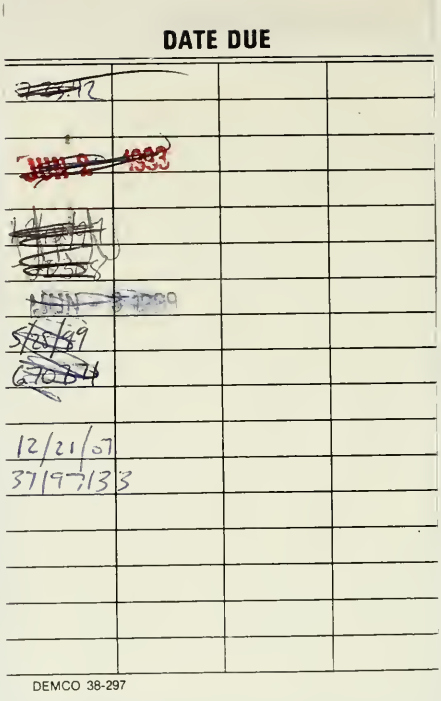
THE TRIALS OF LEN SMALL

HARSHBARGER



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THE TRIALS OF LEN SMALL

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BY

WILLIAM R. HARSHBARGER

THESIS

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by

William R. Harshbarger

ABSTRACT

Len Small, governor of Illinois from 1921 to 1929, was a politician associated with the Lorimer-Lundin-Thompson political machine which influenced Illinois politics from 1897 until the late 1920s. During that era, Small held offices in the county and in the state Senate. He served one appointed term as United States subtreasurer, two terms as state treasurer, and two terms as governor. Small ran six times for governor: 1912, 1920, 1924, 1928, 1932, and 1936. He came to the governorship in 1920 following a bitter feud between his patron, William Hale "Big Bill" Thompson and Frank O. Lowden. As a result, Small inherited much of the acrimony that divided the rival Republican factions and became the target for political revenge. That revenge took its most dramatic form in the indictment and arrest of Small, the only Illinois governor ever to be arrested while actually serving in office. Small was charged with conspiracy to use state money for his own personal profit during his term as treasurer from 1917 to 1919. From 1921 until 1927, while conducting the business of the state, Small had to contend with two trials: one, a criminal trial that ended abruptly in 1922 with an acquittal; and second, a longer, civil suit, which extended from 1921 until its final settlement in 1927. It is the thesis of this paper that Small was treated unfairly in the trials and, to the extent that they contribute to the generally low regard in which Small and his

administration have been held, Small's reputation has been misrepresented.

Chapter 1 indicates that Small was a hardworking, enterprising, honest business man who, by most standards, earned the respect of his community and was regarded as a valuable citizen. The purpose of the chapter is to indicate that Small's personal reputation for honesty had been tried in many settings—in agricultural work and agricultural societies, in the running of a major agricultural fair in Kankakee, in the formation of a bank and a newspaper, in real estate ventures, in running the United States Subtreasury in Chicago for President Taft where he handled millions of dollars, and in two terms as state treasurer. While some of this material comes from county histories, much of it is primary sources from a vertical file in the Kankakee County Historical Society Museum housed on Len Small's father's estate, from the Len Small Papers in the Illinois State Historical Library, Springfield, and from newspaper accounts.

Chapter 2 indicates that much of the tarnish on Small's reputation came from boss politics and his political associations which were originally tied to Governor John R. Tanner and, later, to William Lorimer and Lorimer's associates, William Hale Thompson and Fred Lundin. The focus is on boss politics, reform and Progressive politics, rival Republican factions, and the shifting nature of political alliances in gubernatorial elections from 1900 to 1920. Several secondary sources cover these events. The primary sources presented in this thesis relate the details of Small's 1912 campaign and his 1920 campaign.

Chapter 3 centers on the indictment and arrest of Len Small in 1921. It is based largely on primary sources taken from newspaper articles and the Len Small Papers in the Illinois State Historical Library. The chapter indicates how Small's enemies, the Edward J. Brundage faction of the Republican party and the Chicago Tribune, used this incident to humiliate and hamper him as governor.

Chapter 4 focuses on the two trials. Much of the trial evidence is examined together with a summary of other political incidents which occurred during the trials. There is a straightforward explanation of the rather complicated transactions which shows, from Small's viewpoint, how and why he made his decisions as treasurer. A great deal of the evidence in this chapter comes from the testimony and legal motions found in the Supreme Court Abstract of Record and in the Supreme Court case reported in Illinois Reports for 1926. References are made to the opening and closing arguments of the attorneys. Finally, there is a critical analysis made of the final court decision, which, on the basis of the dissenting opinions, contends that Small did not receive a fair ruling.

Here and there, references are made to Small's actions as a machine politician—his influence on legislation, the appointments of family members, the creation of special commissions, the pardoning of criminals, and the patronage for machine members—but there is no comprehensive presentation of this evidence. Likewise, no effort was made to describe the accomplishments of Small's regime, although there are references showing where these may be found.

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TABLE OF CONTENTS

Preface. iii

Chapter 1: Len Small: A Farmer and a Man of Means. 1

Chapter 2: Illinois Republican Gubernatorial Politics and the Ascendency of Len Small. 21

Chapter 3: Small Indicted. 68

Chapter 4: Small on Trial. 102

Conclusions. 140

Bibliography. 143

PREFACE

Len Small was a machine politician who worked his way through the political system to serve two terms as governor of Illinois from 1921 to 1929. To achieve this high position, he endured the rough and tumble, bitter rivalries of a highly factionalized Republican party. During that time, reformers and Progressives attacked boss politics. As a result, many of the beneficial aspects of bossism were obscured by well-publicized stories of graft and corruption. Although to some extent most Illinois politicians of this period owed some debt to boss politics, Small was part and parcel a member of the Lorimer-Lundin-Thompson machine that greatly influenced Illinois politics from 1897 until the late 1920s.

The ample evidence showing that Small conformed to the demands of the machine, is not presented here. Neither are the considerable achievements of Small as governor. Instead, chapter one indicates that Small was, for the most part, a hardworking, successful, and admirable businessman who, in other settings, would have earned the praise of his contemporaries. Chapter two shows how Small rose to power and indicates the complexity of Republican factional politics, the clash of philosophies between reformers and the bosses, and the bitterness of the contests. Chapter three indicates how Small's enemies investigated his earlier actions as state treasurer and used a criminal indictment, an

arrest, and the threat of a trial to publicly humiliate him. Chapter four shows that the contradictory decisions of the trials unfairly stained Small's reputation. That stain remained even though the evidence tended to exonerate him.

Without doubt, Small earned his share of the blame for the notorious reputation which boss politics gave to this era of Illinois history; however, it is contended here that, to the extent that these two trials diminished Small's personal reputation and contributed to the generally low regard given to his administration, Small and his administaration have been misrepresented.

There are few secondary sources on Small's life. Most of the secondary information presented here comes piecemeal from books written on other individuals or other issues of the era. The primary information comes from newspaper reports, from the Len Small Papers in the Illinois State Historical Library, from a vertical file in the Kankakee County Historical Museum, and to a limited extent from the Illinois State Archives. Most of the information on boss politics, progressivism, and the various individuals, administrations, and elections of this era comes from secondary sources and newspapers. The information about Small's trials comes largely from newspaper accounts, trial transcripts found in the Supreme Court's Abstract of Record in the Illinois State Historical Library, and the Supreme Court case reported in Illinois Reports for 1926.

Chapter 1

Len Small: A Farmer and a Man of Means.

> At Kankakee I live on my farm, just outside and west of the city. I have lived in that general locality all of my life.
> —Governor Len Small, July 1924.[1]

Len Small was indeed a farmer and remained a farmer all of his life; but he was not an ordinary farmer; and he was not just a farmer. His farm experience did more than passively instill in his heart all the mystical, beneficent lessons that are supposedly derived from the Jeffersonian agrarian myths. It provided him with financial security, business experience, capital, an early introduction into politics, and ready-made acceptance among a significant portion of the downstate voters at election time. His orchards and nursery made him a favorite of the horticultural society. His registered Holstein Friesian cattle testified to his good character among the dairy men and livestock farmers.[2] His thoroughbred Percheron horses cut a broad cross-section of support from the pampered classes who fancied themselves connisseurs of good breeding and showmanship, to the practical, hard-working plowman who in Small's day still hitched his plow to a horse and judged his horses by how many acres they could turn over in a day.

Small was not born wealthy, but he was favored by both circumstance

and inclination to become economically independent. Len Small's parents were Abram Lennington Small and Calista Currier. They were the parents of six children: Mary, Susie, John, Lennington, Calista, and Mabel. Abram Small was a pioneer doctor who was living in Rockville and had an extensive nursery business before Kankakee was organized into a county on April 1, 1851.[3] He was there when the Illinois Central laid its first rails through a widened strip in the woods called the Kankakee depot on July 3, 1853.[4] By the 1860s, the railroad changed things. It brought immigrants into Illinois in large numbers, changed the axis of settlement from east-toward-west to north and south along the route, raised land values, and literally created and sustained new communities like Kankakee. Those fortunate enough to be there early with money to invest, or those with valuable skills, such as the practice of medicine and the propagation of prairie trees, did well. Also, the railroad drove away the last remnant of the Pottowatami tribe, thereby removing what had been at one time a serious obstacle to settlement. Yet, even then, on occasion, during Dr. A. L. Small's day, a small band would show up hunting along the river, searching for food and, perhaps more importantly, signs of the glory days, dignity, and sweet memories of home that had been signed away to federal authorities in the 1830s.[5] By the 1850s, the hunting grounds along the Kankakee River yielded to the demands of a new community on rails, impatient for progress and the future.

Abram Small profited from the changes in Kankakee. By 1856, the

prairie community claimed a new railroad, a new county, a new Kankakee City charter, and a new county seat with a new limestone courthouse located on the exact site where, in earlier times, the Pottowatami held councils and danced around their council fires.[6] As a doctor, Dr. Small comforted those with cholera, ague, and various "fevers" that afflicted communities located in the damp prairie land. In addition, he helped the farmers. In those early times, before the farmers had mastered the heavy mat of the prairie with John Deere's molded steel plow and McCormick's reaper, they thought that the first bonanza of the plains would be grazing cattle, dairy cows, sheep and hogs. Livestock had to be fenced in. Small provided the fencing. However, he did not sell the celebrated twists of barbed-wire that Joseph F. Glidden of DeKalb later produced for the west. Nor did he split rails, as all Illinois politicians, for a time, either claimed they did, or wished they did. Instead he sold the osage orange hedge which initially made his nursery business a success. The hedge fence was cheap and it worked. Only later did the farmers discover that it had the disadvantage of killing off from thirty to forty feet of crops on either side. The Small nursery advertised the osage orange "at lowest rates," and by the early 1850s, turned a solid profit. In addition to the hedge plants, Small sold a variety of ornamental trees and shrubs, fruit trees, roses, evergreens and other plants grown along the Kankakee river near the boundary line between Kankakee and Will Counties.[7] In the late 1850s, Dr. Small moved from Rockville to the land which is now Governor Len Small Memorial

Park on the west side of Kankakee. On his new Kankakee farm, he continued the nursery business after the birth of his son, thereby providing the first business enterprise to be taken up by the future governor of Illinois.

Dr. A. L. Small also supported the first Kankakee newspaper, the weekly Gazette. He was one of the first subscribers. When the operator, Augustin Chester, sought to save time and money by publishing the paper in Kankakee rather than "jobbing it out" to a Chicago printer, Small put up the money for a Washington hand press, cases of type, and other printing necessities.[8] So new was the city of Kankakee that, when the press arrived, the building in which it was to be housed had not been finished. The first week's edition and possibly several weeks' editions, were printed in the open air. By 1856, Chester sold the short-lived newspaper to Daniel S. Parker. However, it marked the initial Small family interest in the newspaper business which later attracted Abram's son and, to a greater extent, Abram's grandson.

When Len Small was born on June 16, 1862 on the family farm just west of Kankakee, the foundation of his prosperity and his standing in the community had already been established by his father. All that separated him from success was hard work, education, and enterprise. He discovered hard work on his father's farm which was more than a tree nursery.[9] He and his brother John, who later became an attorney and a Judge,[10] pursued their education in the public schools of Kankakee while learning the nursery business from their father. In 1880, when Len was

eighteen, his father proposed that he and Len form a partnership in the nursery business. From that time until his death a half-century later, Len Small thought of himself as a farmer and took advantage of his farm background. It gave him material success; it opened doors to various fairs, research organizations, and agricultural societies; and, to an important segment of voters, it validated his credentials as a genuine son of the soil. Small added votes to the Republican columns and some credibility to his party when he stood on the platform of a campaign train before the calloused-handed, southern-Illinois skeptics who were wary of smooth-talking, "honeyfuglin',"[11] slicked-down city dwellers who periodically piled aboard a decorated train complete with a blaring band and a circus elephant to pose as the responsible guardians of the public interest.[12]

After graduation from the public schools, Len attended Northern Indiana Normal school (Valparaiso University). He returned and secured a teaching position at twenty-two dollars a month less half for room and board. He had to give it up when his father objected to the low salary and the cost of hiring a a replacement for Len at one dollar a day. Some months later, however, he taught a partial term at the Williams school ten or eleven miles northwest of Kankakee. In the next term he took a position closer to Kankakee at a school on the west bank of the river a mile below Hawkins Cemetery. He worked during the summer vacation as a railway employee.[13]

By 1883 he had saved enough money to buy sixteen acres of farmland

(the Home Place) west of Kankakee where he established his home and nursery business. During this time, Small married Ida Moore, the daughter of Charles and Laoma Moore, who lived on a neighboring farm. She was one of the most successful school teachers in the county. They had three children: Budd L., Leslie C., and a daughter Ida May, who married Colonel A. E. Inglesh. In 1885, when the nursery business was not doing well, he purchased cows and started a dairy farm. He continued the nursery business for ten or fifteen years and the dairy business from about 1885 until after he served as governor of Illinois. He gradually purchased more than seven hundred acres of land on which he grew grain, raised Percheron horses, raised hogs, sheep, and cattle, and engaged in an extraordinary variety of livestock enterprises.[14] Later, with Senator Henry M. Dunlap, a farmer and fruit grower from Savoy, Illinois, he organized the Illinois Orchard Company.[15] Together they purchased about one thousand acres and grew orchards in the southern part of the state.[16] He promoted the organization of the Kankakee Soil and Crop Improvement Association in about 1908 or 1909. When it was officially established in May of 1912, C. E. Robinson of Otto Township was elected president. Small was elected president in 1920.[17] This was the second Farm Bureau organization in the state and the first to be recognized by the United States government by appropriation from the Smith Lever Act.

As Small's farming interests expanded so did his opportunities to

become better known. At the age of twenty-one he was elected secretary of the Illinois Horticulture Society which was the beginning of his work that culminated in the development of the Kankakee Inter-State Fair. In 1885 he was elected a member of the Illinois State Board of Agriculture from the Kankakee district. At that time the Board ran the State Fair and Horse Show in Chicago. Later he was elected president of the State Fair. Small was one of a group of "young" men who locked horns with the older organizers over the issue of changing the Kankakee Fair. The fair, which started in 1856, had fluctuated in attendance and had for a time been thought of as little more than a picnic for local farmers. By the 1880s it had gradually increased in size to include horse racing. In 1890, the "young" men won control over the fair. With the new officers, Small set up a stock company, the Kankakee Fair Association. At the age of twenty-eight, he was elected president. They raised $3,000 to improve the grounds, hire attractions, and put the fair on a paying basis. From that time on, the Kankakee Fair was a financial success. It made $1,200 for improvements and its capital stock increased to $5,000. The Kankakee Fair became widely recognized as extraordinary outdoor entertainment and, by some boosters' estimate, "the finest county fair in the Midwest." It was a significant success for the community, its promoters, and Len Small.[18] In 1924, Small stated that he had been an officer of the fair for thirty-four or thirty-five years. He was still an officer in 1929, and it is likely he remained one until his death.[19]

As Len Small approached the new century with a modest amount of material and political success, he continued to expand his business achievements. This included the beginning of an important relationship with Edward C. Curtis of Grant Park. Their first acquaintance was when Curtis was nominated for the legislature in 1894 at the same time that Small's brother John was nominated for county judge and Small was chairman for the Republican committee.[20] Curtis was already an emerging politician, businessman, and banker. From the beginning, Curtis played a significant role in Small's business and political career. In about 1900 or 1901 Small, Edward C. Curtis and William Fraser, a representative of the Illinois, Indiana & Iowa Railroad purchased several hundred acres of land west of Kankakee as a part of a factory town development scheme organized by Theodore Shonts, then president of the Illinois, Indiana, and Iowa Railroad. The subdivision was directly west of Kankakee and came up to the city limits. It also adjoined Small's farm land on two sides. Although others were involved, all of the land was in Small's name and he dealt with the transactions. In 1906 Small bought Curtis's interest. Five or six years later, when Fraser died, Small bought his interest from the estate. Small then subdivided this area and was still selling lots when he was elected governor in 1920. To provide transportation to the subdivision development, he established an electric railroad company known as the Kankakee and Southwestern and constructed a railroad connecting with that electric system out to the

factories west of Kankakee. He was president of that company. He also engaged in the real estate business, selling lots, trading lots for farms, and trading other lots in the city. Also, during this time, he built a number of houses and other buildings. Small's buildings included the International Harvester warehouse and office, the building occupied by the Kankakee Daily Republican, and others.[21]

Likewise, Small and Curtis engaged in some joint banking ventures. At the time they were running for office in 1894, the First National Bank of Kankakee was closed due to the general, nation-wide depression. Edward C. Curtis purchased the holdings of the Kankakee bank from one of the largest stockholders and Small bought ten shares of Curtis's one hundred forty shares. "From that time on," Small said, "I would say we were good friends."[22] In 1895 Small was made director. In about 1903, Curtis organized a merger of the First National Bank and the Legris Brothers private bank. The Legris brothers held a third interest. Small became president of the First National Bank in 1904 and Harvey Legris became cashier. Small remained president until that bank merged with the Eastern Illinois Trust and Savings Bank in 1916. He was then elected president of the newly merged bank, which was called the First Trust and Savings Bank. He held that position during the time he was state treasurer in 1917-1919, while he was governor of Illinois and until his death in 1936.[23]

Like his father before him but for different reasons, Small took an interest in the newspaper business. As his political career grew,

prominent newspapers made him and his allies the target of criticism and invective. Although such criticism was common, it was not without sting. Small, who took his fair share of abuse, soon sharpened his own skills at throwing the barbed epithet and determined not to engage in political combat empty-handed. He used the Kankakee newspaper to promote his campaign for governor in 1912. On January 13, 1913, after his unsuccessful and much-criticized campaign, Small established his own newspaper, the Kankakee Daily Republican. He purchased the old newspaper started in 1903 known as The Times and organized the Kankakee Republican Company with fifty stockholders. Interestingly, these shareholders included Edward C. Curtis and Cornelius R. Miller, cashier of Small's bank, officer in the Kankakee Inter-State Fair, and, in the 1920s, Small's Director of Public Works and Buildings.[24] Small installed his son, Leslie, as editor and publisher. Initially, Leslie took the job on a "temporary basis" to provide his father with a political voice of his own; however, he liked the work and continued publishing without interruption for forty-four years. Governor Small joined his son in the business as treasurer and director.[25]

Small prospered in most of his business enterprises. Small gave his own account of this success in a 1924 statement:

> I had been doing considerable business for a number of years; had sold a large number of lots and dwelling houses which were paying in installments. There was not a year during that period I did not collect over $5,000 a year from those sources. The receipts from my farm for 1917, 1918, 1919 and 1920 were over $100,000. I sold a farm in the year 1917 for $30,000 which had cost

me $22,000 in 1912, making a profit on that farm of about $7,000.00. I was drawing $10,000 a year as state treasurer; and I think $3,500 or $3,600 a year as President of the First Trust & Savings Bank at Kankakee.

I was receiving dividends during that period; my dividends were around $5,000 or $6,000 a year. I also received $4,000 a year rent on a building rented to the International Harvester company and the Republican Building and some other property and lots. There were some others; but I think I have covered the main sources from which I obtained the funds and moneys which went to purchase the Ridgely stock and the Armour debentures. In 1918 I sold $20,000 to $23,000 in one day--on the 8th day of November I had a cash horse sale. My farm receipts in 1918 were over $35,000. By farm receipts I mean receipts merely from the farm, apart from rentals, dividends or salaries which I received."[26]

As their businesses prospered, both Small and Curtis enjoyed political success. After his local prominence with the Fair Association and in the Argicultural societies, Small won a spot as Supervisor of Kankakee County in 1895. A year later, as the "acknowledged head of the county machine," [27] with the support of Edward Curtis, he grabbed the clerk and recorder position of the Kankakee Circuit Court. In the 1896 gubernatorial election, both Curtis and Small supported John R. Tanner. Small was rewarded by an important appointment to the Board of Trustees of the Kankakee Eastern Illinois Hospital for the Insane in 1897.[28] That appointment carried with it patronage power, the control over many Kankakee votes, and opportunities for gaining revenue for the party. Likewise, Curtis, who had been elected to the Illinois House of Representatives, was rewarded, unexpectedly, by being made the youngest Speaker of the House in 1897. Tanner thrust that honor upon him when the Republican party was deadlocked in a Speaker's contest between Martin B. Madden and Ernest G. Shubert. Tanner broke with tradition, came to

Springfield, and personally negotiated the issue. In spite of the heated contest, Curtis was well regarded by both sides. Martin B. Madden, one of the losers, said of Curtis, "I know of nothing to say more than from all accounts Mr. Curtis is a man of ability, clean record, and good knowledge of parliamentary law. He goes into the place under extremely fortunate conditions, being found satisfactory to all the contending forces in the House, and will, I think, make an excellent Speaker."[29] From that point on until Curtis's death in 1920, Small linked his personal, political and, to some extent, his financial destinies to the Grant Park politician.

Edward C. Curtis, who was sometimes called "the brains of the Len Small machine,"[30] was descended from Puritan ancestors who came to America aboard the ship Elizabeth and Ann in the 1620s. His father, Alonzo Curtis, who was born in Westchester County, New York, April 19, 1831, engaged in farming, established a general store at Grant Park, and later became a brick and tile manufacturer. His wife, Elizabeth Campbell, was a descendant of the Campbells of Scotland and one of her ancestors was the Duke of Argyle. They had four children: Edward C., Ernest A., Willis C., and Vernon S.[31] While looking after the general store, Alonzo also started a private bank, the Grant Park Bank, in about 1890.[32] This bank passed into the hands of his son. It was later the center of controversy in the interest trials which plagued Small's governorship.[33] Edward C. Curtis was born August 12, 1865, three years after Len Small. He attended

the public schools, the academy of DePauw University at Greencastle, Indiana and then Northwestern University at Evanston, Illinois. He returned home at the age of eighteen and joined his father in business. There, he developed the family industrial interests at Grant Park. This included a large-scale production of bricks by the Alonzo-Curtis Brick Company, later called the Curtis Brick Company, for which Len Small made loans of $50,000 at two different times in 1906. At one point, the company had four plants, producing a half million bricks a day and sending a train load of brick, not every day but often, to the Chicago market. He also held interest in the Holzman-Bennett Grain Company which operated one or more elevators and was connected with the Calgren Lumber Company.[34] He acquired banks, including his father's Grant Park Bank, the First National Bank of Kankakee in 1894 with Len Small, the Ridgely National Bank of Springfield, and several others during his lifetime. In connection with the Ridgely Bank, both Len Small and L. L. Emmerson purchased stock through arrangements by Curtis in 1918 when Small was state treasurer. That coincidence later aroused suspicions and speculations, adding fuel to the fire of the interests suits brought against Small during his term as governor.[35]

Curtis entered politics as a representative in the Thirty-Ninth General Assembly of 1894-1896. He won again in the next election and was selected to be the youngest Speaker of the House in 1897. Two days later, on January 8, 1897, Curtis visited Governor Tanner accompanied by Small,

apparently securing Small's appointment to the Kankakee Hospital Board.[36] He served again in the House of Representatives until 1904 when he was elected as the Republican senator from the Twentieth District, succeeding his good friend, Len Small. He held that position without interruption until his death on March 8, 1920.[37]

Small appreciated Curtis's advice and recognized their mutual interests. Both men were Kankakee County politicians; both belonged to the Republican party, and both "downstaters" won elections with help and patronage from the William Lorimer Chicago machine.[38] Yet Small's political career developed differently. He zig-zagged from the county to the state, from the legislature to the executive. For a time he was out of elected office as a a federal appointee to the United States subtreasury. Then he ran unsuccessfully for governor in 1912 and returned to state government by moving into the state treasurer's office in 1917.

As a farmer, businessman, and a leader in several organizations, Small had demonstrated his honesty and his enterprise and had earned the respect of his community.[39] When he affiliated himself with the machine politics of the day, however, his reputation suffered at the hands of powerful enemies among reformers, who generally deplored boss politics. Small's appointment by Governor John Tanner to the Kankakee Hospital Board in 1898, for example, gave him control of much of the county patronage and an opportunity of control contracts with the hospital. He was expected to use that power to win elections and to support the party which appointed

him. He was elected to the Republican state committee in 1899.[40] In 1900, he was elected to the Illinois State Senate and was reappointed by Governor Richard Yates as trustee to the state hospital in spite of growing criticism of his use of patronage to solicit both votes and funds for the party. The Chicago Tribune charged that state employees had been assessed 10% of their pay for the good of the party but the money had been diverted into the Tanner-Hanecy campaign of 1900. It was charged that the employees of the Kankakee State Hospital, under the thumb of Len Small, were heavy contributors to this effort. Small became somewhat prominent in 1902 when he was reappointed by Yates and an investigation was made into these conditions. Yates's administration smothered the attempt at exposure, but it was learned that 5% and 10% were being collected from the employees of the Kankakee State Hospital.[41] This was only the beginning of the public charges and criticism that would be directed at Small's political career.

END NOTES

[1]"Master report of Evidence: Testimony of Len Small," Len Small Papers, Box 406, Abstract of Record, Supreme Court of Illinois, June Term, 1925, People v. Small, No. 16660 (Springfield: n.p., 1925), 2 : 559, hereinafter designated as "Testimony of Len Small,"Abstract of Record.

[2]"Stationary," Len Small Papers, Box 423, Folder 3, Illinois State Historical Library, Springfield. One sample shows: "Len Small & Son Breeders of Registered Holstein Friesian cattle, Kankakee, Ill. Phone 73."

[3]Mary Jean Houde and John Klasey, Of the People: A Popular History of Kankakee County (Chicago: The General Printing Co., 1968), 49, 70; Wiliam F. Kenaga and George R. Letourneau, eds., Historical Encyclopedia of Illinois and History of Kankakee County (Chicago: Middle-West Publishing Co., 1906), 2 : 1152.

[4]Ibid., p 37.

[5]Ibid., 73-74.

[6]Ibid., 58.

[7]Ibid., 94-95.

[8]Ibid., 70.

[9]Small exhibited pumpkins at the fair. He raised rabbits, pigeons, and White Leghorn chickens while growing up. His father began an enterprise of growing "pie plant", which appears from its description to be rhubarb. See "Pie-Plant Letterhead," Len Small Papers, Box 415, Folder 1, Illinois State Historical Library, Springfield. The Small family from Dr. Small through Len Small's son, Budd L., under the business name of Small, Small, & Small advertised themselves as "the largest growers of the largest pie plant in the world" and during the war in season shipped a carload a day to Chicago. "Governor Small, Long a Farmer," Unsigned, eleven-page manuscript (Vertical file, Small, Gov. & Family, ca. 1930), Kankakee County Historical Society Museum, Kankakee; hereinafter designated as "Governor Small, Long a Farmer"; "The Story of Len Small's Life: A Biography," unsigned eight-page manuscript (Vertical file, Small, Gov. & Family, ca. 1930), Kankakee County Historical Society

Museum, Kankakee; hereinafter designated as "Small's Life: A Biography."

[10]"Testimony of Len Small," Abstract of Record, 2 : 594. Small testified: "My brother was nominated at the same time [1894] for county judge and I was chairman for the Republican Committee." See also, Ibid. 573. See letterhead of stationary on letter from Luther Bratton to Len Small, July 26, 1921 in which the members of the firm of Small, Bratton & Schroeder are listed in the corner as: "John Small, Luther B. Bratton, and Werner W. Schroeder" at Rooms 1-5, First Trust Building, Kankakee, Ill., "Luther Bratton to Len Small, July 26, 1921," Len Small Papers, Box 412, Folder 20, Illinois State Historical Library, Springfield.

[11]A forgotten but then fairly common midwestern term meaning mealy-mouthed wheedler. Francis Russell. The Shadow of Blooming Grove: Warren G. Harding and His Time (New York: McGraw Hill Book Co., 1968), 224.

[12]In Frank O. Lowden's 1916 campaign, for example, Small, Oglesby, Emmerson, Brundage, Russel, McCormick, and Mason, at various times accompanied Lowden on a three-week-long, six-thousand mile jaunt through all but four of the 101 counties. In the train's baggage car was "Chin Chin," a docile baby elephant on loan from the Ringling Brothers circus. In the coach was the Fife and Drum Corps of the GAR Post at Rockford. When the train halted "the fife and drum corps played, the candidates appeared on the platform car, one or more spoke briefly, and 'Chin Chin,' wearing a Republican saddle cloth, trumpeted and stomped in response to the applause. 'Aerial bombs' from the train scattered 'Lowden for governor' leaflets over the crowd. The engine's bell signaled time to leave, the candidates leaned over the side of the rear car to shake a few hands, and a speaker occasionally kept on with his oratory as the gap widened between him and his listeners. This was the way of politics in rural America--strenuous, hearty, and peppered with enough humor and showmanship to make every voter a willing captive while the candidate expounded the issues of the campaign." William Thomas Hutchinson, Lowden of Illinois: The Life of Governor Frank O. Lowden (Chicago: University of Chicago Press, 1957) 1: 286-287.

[13]Houde, Of the People, 293-298; James A. Rose, Comp., Illinois Blue Book, 1903 (Springfield: Phillips Bros., 1903), 364. "Governor Len Small," Illinois Blue Book, 1935-1936 (Springfield: Allied Printing co., 1937), 1057-1058; "Small's Life: A Biography;" Kenaga and Letourneau, eds., Historical Encyclopedia, 1153; for other information see Kankakee Republican News, 18 May 1936, 1.

[14]An unsigned fragmentary account of Len Small in the Kankakee County Historical Society Museum describes Small's love of animals

which, in addition to the dairy cattle and horses, included registered duroc Jersey hogs, Khiva or Bokhara sheep native to southern Russia, Persia and Syria, Karakul sheep from Persia, White Leghorn chickens, pigeons, ducks, geese, rabbits, guinea fowls, bantam chickens, and three kinds of deer—the native red deer, the black fallow and white fallow deer of Europe."Governor Small, Long a Farmer."

[15]Dunlap was a farmer and fruit grower. Born in Cook County in 1853, graduate of the University of Illinois in 1875, he successfully engaged in farming and fruit raising for many years. He was elected to the Senate in 1892, 1896, 1900, 1904, 1908, 1916, and 1920. In 1900 he served with Small in the Senate. Louis L. Emmerson, ed., Illinois Blue Book, 1921-1922 (Springfield: Illinois State Journal Co., 1921), 158-159.

[16]"Testimony of Len Small," Abstract of Record, 2 : 561.

[17]Small claimed that he was either director or president from that time up through his term as governor. Houde, Of the People, 268, 294; "Testimony of Len Small," Abstract of Record, 2 : 559-561. See also Kankakee Republican News, 18 May 1936, 1.

[18]Houde, Of the People, 238-239.

[19]See, for example, the stationary of the Fair for August 12-17, 1929, which lists the following officers: E. A. Jeffers, President; C. R. Miller, Vice-President; Len Small, Secretary-Treasurer; Mrs. Selma Anderson and Mrs. Marion Blackmore, Ass't Secretaries; L. H. Becherer, Supt. of Concessions. "Stationary," Len Small Papers, Box 423, Folder 3, Illinois State Historical Library, Springfield. "Testimony of Len Small," Abstract of Record, 2 : 564.

[20]"Testimony of Len Small," Abstract of Record, 2 : 594-595; Kenaga and Letourneau, eds., Historical Encyclopedia of Illinois, 1152, 1153.

[21]Houde, Of the People, 294; "Testimony of Len Small," Abstract of Record, 2 : 562-565.

[22]"Testimony of Len Small," Abstract of Record, 2 : 594-595.

[23]"Whereas, In the nature of events of man's existence upon earth, death has come to our beloved President, Len Small, vacating the chair he so fittingly occupied for the long period of twenty years;. . . ." "Resolution by First Trust & Savings Bank of Kankakee regarding Small's death, May 26, 1936" Len Small Papers, Box 418, Folder 1, Illinois State Historical Library, Springfield.

[24]Houde, Of the People, 222; At a salary of $7,000, C. R. Miller was in charge of the very important Department of Public Works and Buildings, which oversaw the crucial contracts regarding highway building during Small's administration. He was at the same time on the Board of State Fair Advisors. Louis L. Emmerson, ed. Illinois Blue Book, 1927-28 (Springfield: Journal Printing Co., 1927), 96.

[25]Houde, Of the People, 295; "Testimony of Len Small," Abstract of Record, 2 : 565-566; Edward F. Dunne, Illinois: The Heart of the Nation (Chicago: Lewis Publishing Co., 1933), 3 : 33-34.

[26]"Testimony of Len Small," Abstract of Record, 2 : 585-586.

[27]Houde, Of the People, 200.

[28]Kenaga and Letourneau, eds., Historical Encyclopedia,1153.

[29]Chicago Tribune, January 6, 1897, 1-2; January 8, 1897, 2.

[30]Caroll Hill Wooddy, The Case of Frank L. Smith: A Study in Representative Government (Chicago: University of Chicago Press, 1931; reprint ed., New York: Arno Press, 1974), 156-157.

[31]Dunne, Illinois, 3 : 296-297; Kenaga and Letourneau, eds., Historical Encyclopedia, 895-896.

[32]"Testimony of Len Small, July 29, 1924," Abstract of Record, 2 : 595.

[33]Chicago Tribune, July 12, 1921, 1; July 14, 1921, 1; July 15, 1921, 15; July 21, 1925, 1-2; Robert P. Howard, Illinois: A History of the Prairie State (Grand Rapids, Michigan: William B. Eerdman's Publishing Co., 1972), 466; New York Times, July 21, 1921, 1; "Le Forgee's Opening Address to the Jury," Len Small Papers, Box 403, Folder 3, Illinois State Historical Library, Springfield; "Report of Charles G. Briggle, Master In Chancery, Nov. 17, 1924," Abstract of Record, Supreme Court of Illinois, June Term, 1925, People v. Small, No. 16660 (Springfield: n.p., 1925), Len Small Papers, Box 406, Illinois State Historical Library, Springfield, 1 : 141; "Small's Answer" Abstract of Record, Supreme Court of Illinois, June Term, 1925, People v. Small, No. 16660 (Springfield: n.p., 1925), Len Small Papers, Box 406, Illinois State Historical Library, Springfield, 1 : 150; "Testimony of Len Small" Abstract of Record, 2 : 604-609.

[34]"Testimony of Len Small," Abstract of Record, 2 : 597-599.

[35]Abstract of Record, 1 : 342-348; James A. Rose, comp., Illinois Blue Book, 1903 (Springfield: Phillips Brothers, 1903), 367.

[36]Chicago Tribune, Jan. 8, 1897, 7; Chicago Tribune, July 21, 1921, 3. Small was 'discovered' by the State Senator Edward C. Curtis. Governor Tanner had been up against a fight over the selection of a speaker in 1897 and Curtis had been elected speaker as a compromise and he demanded the appointment of Small as a trusteee of the asylum. This was done, and later Small was elected president of the board. His reign as boss of Kankakee began.

[37]Louis L. Emmerson, ed., Illinois Blue Book, 1919-1920 (Springfield, IL: Illinois State Journal Co., 1919), 210-211; Dunne, Illinois, 3 : 296-297.

[38]Chicago Tribune, April 15, 1900, Part I, 5. The report indicates that Tanner used money raised from state institutions, like the one at Kankakee, to send an investigator around the state to scout his chances for election success. It also indicated that at these large state institutions, "The coal, brick, and cement contracts. . . are worth a fortune a year if properly handled. Murphy & Lorimer, brickmakers, and O'Gara, King & co., of which Mr. Lorimer is an accredited partner are entitled to recognition." In the campaign of 1900, Lorimer supported the Judge Elbridge Hanecy for governor. This linked Lorimer to Tanner and, thereby, to Curtis and Small. In that campaign, Charles G. Dawes supported Richard Yates of Jacksonville. Frank O. Lowden, who opposed Tanner, turned to the Yates candidacy. Lorimer, in anger over Dawes's interference, threatened to denounce the administration of McKinley. However, when Lorimer saw that Hanecy had no chance, he switched his votes to Yates. A deal seemed to have been made, because a number of Tanner supporters, including Small, were appointed or nominated for state office. Donald Fred Tingley, The Structuring of a State: The History of Illinois 1899-1928 (Urbana: University of Illinois Press, 1980), 156-157.

[39]The 1906 history of Kanakakee County characterizes him as "forceful, tactful, and able . . . . all who come in contact with him are fascinated by his genial manner and strength of character. As a representative citizen of the county he takes front rank and has been called on to fill several most responsible and important offices and found favor in all of them with the majority of the people." Kenaga and Letourneau, Historical Encyclopedia, 2 : 1153.

[40]Chicago Tribune, May 18, 1936, 1.

[41]Woody, The Case of Frank L. Smith, 156; Tingley, The Structuring of a State, 157; Chicago Tribune, April 15, 1900, part I, 5.

CHAPTER 2

ILLINOIS REPUBLICAN GUBERNATORIAL POLITICS AND THE ASCENDANCY OF LEN SMALL, 1890 TO 1920.

Len Small:

Mr. Small is a clean man in all the word implies. . . .He does not fall to the whims and fads that unscrupulous politicians are advocating to entice the unwary and get their votes. [1]

He was always obedient, always subservient, always ready to perform willingly and capably for Poor Swede and Big Bill. [2]

I value my reputation and my friends and their confidence more than I value office. If being elected governor should make of me a demagogue and a hypocrite, forgetful of my friends and unmindful of my obligation to the people, then may God be merciful and prevent my election. [3] --Len Small.

The Shifting Factions:

Well, sometimes they are enemies and sometimes they are friends. You know the checkerboard is moving all the time. . .and the men who are strong enemies today, may be friendly six months from now. [4]

Progressive Reform:

The business of reform in politics had to be done by taking the power to nomimate and elect candidates and to set policies out of the hands of the old ruling caste of the machines. . . .The only permanent cure was in changing the system.[5] --William Allen White.

Len Small was a machine politician at a time when political bosses became controversial. Often held in contempt by reformers, Progressives, and those who envied their political clout, political bosses nonetheless enjoyed voter support and provided valuable services. The unsavory aspects of their work—patronage, spoils, graft, and

corruption—often obscured their positive contributions. Industrialism had spawned a whole new set of social and economic conditions for which political institutions in the early 1900's were unprepared. The consolidation of wealth, the gigantic industrial organizations, the rapid rise of cities, the rural migration to the cities, and the influx of immigrants all made new social demands as a result of consoldiation and "rationalization" of industry. Boss politicians understood the contradictory forces—some integrating and centralizing, some disintegrative and fragmenting— generated by the process; they responded to the demands; and, sometimes, in imperfect ways, they satisfied them. Likewise, to the moral indignation of reformers, bosses often took advantage of their political services to acquire wealth through devices called "honest graft" and "boodling." Honest graft was involvement in companies which used inside information available only to the politician to cash in on developments that were occurring in the city. "Boodling" was the selling of a vote to business interests who either benefitted or could be hurt by the way a particular vote was cast. On the other hand, aseptic proponents of good government, who were ridiculed by the bosses as "goo-goos", sought institutional ways to limit the effectiveness of boss politicians without addressing the underlying social and economic conditions which made boss politics possible. Therefore, each group looked askance at the other, each misunderstood the values of the other, and each maintained a lively, running public criticism of the other.[6]

Len Small stood on the side of boss politics and the machine during this transition time. He had faith in the old ways. He was skeptical of democratic reforms which placed political power in the hands of uninformed, polyglot, working masses and limited the influence of chosen representatives. He understood in a direct way that the machine helped one win office, that one object of winning office was to feed the machine, and that social and economic needs would have to be met if both the politician and the machine were to be maintained in power. Although Small could be legitimately criticized for acting like a machine politician, no governor from Tanner in 1896 to Lowden in 1916 was entirely free from the machine or immune from its shortcomings. Moreover, beyond the blanket moral condemnation of the critics, in a more clear-eyed way, Small understood the realities of boss politics and acted on them with a conviction that they served positive ends.

Politics in Small's era were complicated. The rise of progressivism split the party. Historians disagree somewhat upon the nature of progressivism with George Mowry and Richard Hofstadter describing it as an outcome of urban, white, middle-class, Protestant, Anglo-Saxon leaders and John D. Buenker indicating that in Illinois it was possible only with the help of immigrant politicians which he called "new stock politicians."[7] By 1912, at the height of the Progressive movement, Republicans temporarily parted ways over the philosophical issues of progressivism and opened the way for Democratic victories in both the

governorship of Illinois and the Presidency of the United States. Although they attacked bossism, the Progressives in Illinois never reached the heights they did in other states. Nonetheless, Governors Deneen, Dunne, and Lowden made significant reforms affecting politics, industry, and labor. On the other hand, political bosses of both parties supported progressivism when it suited their purposes or when it did not affect their political base. Throughout the era, few politicians escaped the corrosive aspects of patronage, graft, and corruption.

In Small's era, Republican politics were a bewildering story of transitory rivalries and temporary bargains and compromise between unstable groups. Both parties were split by the downstate-Chicago dichotomy, but the Republican party was also divided over the influence of the "federal crowd" as well. The disagreements over platform issues were minor compared to other factors, including the personalities of the leaders and the control over patronage, contracts, funding, and fees that provided the grist for the political mill.[8]

The political bosses influenced the divisions. William Lorimer created and maintained the Chicago machine to which Len Small eventually tied his fortunes. Lorimer actively dominated the Chicago branch of the Republican party from 1895 until 1912 when he was dismissed from the Senate of the United States. Thereafter, his influence continued in less obvious ways. Lorimer was born in England in 1861, with no regular education, he worked his way up to a job as a horsecar driver and

conductor. He organized the conductors union and entered Chicago politics.[9] By 1895, Lorimer was elected to Congress and held the position until 1901. He returned to Congress from 1903 to 1909. However, from 1897—when Charles Gates Dawes, the Comptroller of the Currency, and Senator Shelby M. Cullom tried to oust him—until the late 1920's, Lorimer's machine significantly affected Illinois politics.[10] He controlled most of Chicago and influenced many party leaders, including Governors Yates, Deneen, Lowden, and Len Small.[11] Lorimer also promoted the careers of William Hale "Big Bill" Thompson, the controversial and flamboyant Chicago mayor and Fred Lundin, who called himself "poor Swede" and took over the Lorimer machine after 1912 when Lorimer was ousted from the senate.[12]

The Democratic party of Chicago was also factionalized. Roger Sullivan, the colorful Irishman from Belvidere, led one faction. His greatest enemy was Carter Harrison the younger, who, like his father, served five terms as mayor of Chicago. Edward F. Dunne, a son of Irish immigrant parents and an attorney educated at Trinity College in Dublin was at first allied with Harrison, then later, with Roger Sullivan. George "Old George" Brennan was the political heir of Roger Sullivan whose position and power he assumed at his leader's death. By choosing William E. Dever as mayoral candidate in 1923, Brennan reconciled somewhat with the old anti-Sullivan group and consolidated the power of the central

organization.[13]

Important members of the "federal crowd," who represented the state in Washington, D.C., were: Joseph Cannon, Danville representative, the powerful Speaker of the House until his power was broken by the joint effort of Progressive Republicans and Democrats; Senator Shelby Cullom, who served for decades and led the federal crowd; and Charles Gates Dawes, comptroller of the currency in the McKinley administration and ally of Cullom against Lorimer.[14]

Chicago politics and boss politics were also influenced by the ethnic makeup of the city. In 1920 Chicago was the third most foreign city in the U.S. after New York and Boston. Many of these ethnic groups voted as a block according to their perception of how the issues affected the nation of their origin. The Swedes, the early Germans and the Jews tended to vote Republican. In general the Republicans were more successful in national elections, carrying the election in every year except 1892 and 1912. The Democrats were somewhat more successful in the local elections. Rarely did a single man wield long-term control over the county. As Chicago approached the 1920's, the growing black population influenced elections, maintaining a long-standing allegiance to the Republican party and especially to the political heirs of Lorimer's machine, Fred Lundin and William Thompson, who carefully cultivated their vote.[15]

Len Small accepted the complexities of Illinois politics and readily adapted to the methods of machine politics. He accepted patronage and

used it to promote his career. This was not unusual. As historian Donald Fred Tingley indicated in his book The Structuring of a State, "Illinois politics in the 20's was built on the spoils system with patronage the chief interest of most political leaders."[16] In the same vein, historian Caroll Hill Wooddy stated that "The career of Small illustrates effectiveness that tactics of patronage and payoff can maintain long careers. Careers not based upon adherence to any particular set of political principles."[17] The patronage system sustained the party, influenced the outcome of the election, and was the quid pro quo for any aspiring politician who held an appointed position. The politician's tenure was sustained almost solely on the basis of how his people voted, supplied money, and maintained his benefactors in office.

By the election of 1900, the Republican party strained under factional disputes. Lorimer had fashioned a formidable political machine. Small was at the beginning of his career and was allied with Governor John R. Tanner. Unfortunately, because Tanner supported the controversial traction bills that were opposed by municipal reformers, his administration was denounced by the Democrats as "the most corrupt in the history of the state of Illinois."[18] The Chicago Tribune charged that the Tanner faction had raised campaign funds by assessing state employees ten percent of their pay and pointed to Len Small as one who had assessed

the employees of the Kankakee State Hospital.[19] Under Lorimer's direction, the Republican Cook County Central Committee supported Judge Elbridge Hanecy instead of Tanner for the governor's slot. The federal crowd did not like Hanecy. Acting for President McKinley, Charles Gates Dawes nominated Richard Yates of Jacksonville. As the convention moved toward Yates with Frank O. Lowden, who was George Pullman's son-in-law and a prominent corporate attorney, turning towards Yates, Lorimer abandoned Hanecy and made the best deal he could for a settlement. As a result, some of Tanner's supporters received nominations for state offices. Lorimer was angry at Dawes and former Governor Joseph W. Fifer, a friend of Shelby Cullom and the federal crowd, for interferring with his plans. To embarrass them, Lorimer threatened to denounce the administration of McKinley.[20]

Len Small won a position on the Republican State Central Committee in 1899 and used his growing political base in Kankakee County to capture the 16th district's senate seat, defeating a long-standing Democrat.[21] Small's friend Edward C. Curtis, a Republican from Grant Park in Kankakee County who had served as Lorimer's compromise Speaker of the House in 1897, was also re-elected to office in 1900 to the lower house. Later Curtis succeeded Small in the upper house.[22]

During this election, Charles Deneen broke with Lorimer. His friend, Roy O. West, and other "Deneenites" defected under pressure from

the Lawson-Noyes-Patterson newspaper triumvirate.[23] In the election which followed, McKinley beat Bryan in Illinois by slightly more than 94,000 votes and carried Yates and other Republicans to victory.[24]

Lorimer suffered other reversals. Tanner failed to unseat Cullom in the Senate. Lorimer lost his congressional seat to a Democrat. Hanecy, who was Lorimer's candidate against Carter Harrison, Jr. in the mayoral election, was soundly defeated. With the death of his friend former Governor Tanner in late May of 1901, Lorimer's prestige and power sank to a low ebb.[25]

Lorimer quickly went to work to recover power. Although originally opposed to Yates, Lorimer saw that the weak governor needed help. He curried his favor and worked hard to turn Yates away from the federal faction. Lorimer finally convinced Yates that the Dawes group was trying to organize the general assembly against him. Yates then declared for David Shanahan, Lorimer's candidate for Speaker of the House, thereby temporarily cementing a bond with Lorimer.[26] During this time, Small, who had supported Yates and expected Yates to recommend him, lost the nomination for state treasurer when Lorimer overruled the Governor and assigned it to Fred Busse instead. As a good machine man, Small swallowed his disappointment but not his ambition.[27]

In the off-year elections of 1902, with Frank Lowden's support, Lorimer regained his congressional seat and his machine rebounded.

Lorimer also thwarted Dawes's attempt to win the unimpressive William Mason's senate seat in 1903, giving his support eventually to Albert Hopkins, the candidate preferred by Theodore Roosevelt. Dawes, who was not liked by Roosevelt, turned his back on the campaign—and, for a time, politics— and returned to his banking career. Yates, Lorimer, and Joseph Cannon pushed the Hopkins' nomination through the Republican state convention more than a two-to-one vote. The Chicago press hailed the election as "a startling Lorimer victory."[28]

In 1904, while the Republican factions slugged each other to a standstill in a deadlocked convention, Len Small, as the head of the Kankakee delegaton, favorably impressed the rival leaders and adroitly picked-off one of the political plums of state office.

Charles S. Deneen, who broke with Lorimer's crowd in 1900, wanted to be the next governor. With diminished Chicago support and limited downstate support, Deneen hoped to position himself as second choice in case the favorites deadlocked. Frank O. Lowden, cautiously avoided announcing for the governorship but, nonetheless, entertained political and press friends at his "Sinnissippi" farm. Lorimer, who could have supported Yates but was clearly opposed to Deneen, left his choice in doubt. However, that doubt was removed when his lieutenant, William Hale Thompson, led five hundred delegates through the Springfield streets, each wearing across his chest a red banner commanding all onlookers to

"Win with Lowden."[29] In a long, deadlocked convention starting on May 12 and lasting through June 3 with a ten-day recess in the middle, the rival factions contended with each other under the chairmanship of Congressman Joe Cannon. During the recess, the Lowdenites met many times with Lorimer in Chicago where the "blonde boss" predicted that Len Small would follow a pledge to take the Kankakee delegation to Lowden when Yates's forces began to weaken.

Small used this favorable position to his own advantage. Following the recess, when the vote reached the sixty-eighth ballot on June 1, with Yates still leading, Lorimer demanded that Small take his delegation to Lowden. Small hesitated. Yates had promised him a state position as treasurer. Lorimer quickly offered Small the same deal. Small had to be careful. His political base was tied to the Tanner-Yates crowd, but he knew that Lorimer controlled the Chicago vote and was well-connected to the Federal crowd. A mistake could cost him his political future. Small realized that he could make peace with Lorimer on favorable terms and not greatly hurt himself with Yates. He might also maneuver himself into a position to deal with Deneen if that opportunity arose. When Lowden drew closer on June 2, Lorimer again called for Small to make the switch. Small agreed to take his delegation to Lowden for one ballot but made no promises after that. That evening and during the early morning of June 3, 1904, at Yates initiative, a deal was made among Deneen, Yates, Lawrence Y. Sherman, and Howland J. Hamlin, attorney general of Illinois. Yates

wanted to prevent Lorimer from naming the candidates. He offered to withdraw but wanted some jobs for his supporters, including Len Small. Yates explained that Small would support Lowden for one ballot as promised to Lorimer, but, at the same time, he would tell his friends in other counties to go for Deneen. However, Small would take that political risk only if he would be put on the ticket as treasurer. In the early morning hours, after the talking finished, Yates went to the Leland Hotel to room 150 and informed Small that the deal was made.[30]

The vote on June 3 was as disorderly and rowdy as the rest of the convention. Small's Kankakee delegation actually fought with each other and refused to go along with Small's promise to help Lowden, until Edward C. Curtis, Small's mentor and friend, whipped them into line. On the seventy-ninth ballot, Charles Deneen, Lorimer's old enemy, took the nomination. Deneen paid off those who helped him including Len Small, who was duly nominated for state treasurer.[31]

Len Small served only one term as state treasurer. Since he was tied to the Tanner-Yates-Lorimer crowd, Deneen had little interest in finding other state positions for him. Also, the law prohibited him from being state treasurer for two successive terms. Small also surrendered his trusteeship of the Kankakee State Hospital in 1905 but remained a member of the Republican State Central Committee. He kept his connection with the Kankakee Fair and continued to gather political friends.[32]

The 1908 election was complicated by the new direct primary law, by factionalism, and by the alcohol issue which pitted the "wets" against the "drys." Deneen was running for re-election. For the first time, Illinois held primary elections for a full state ticket. Deneen supported the direct primary in 1906 because it cut across cultural and ethnic conditions of Chicago ward politics and undermined the machine. On the other hand, Lorimer exploited that very issue with ethnic groups who resented an attack upon their system of political involvement. Yates ran again. Lorimer decided to support Yates and chose Len Small as Yates's downstate campaign manager with David Frank was the Cook County chairman. The Yates campaign took rapid shape under Small who was said to be "one of the ablest campaign managers in the state."[33]

The 1908 gubernatorial election was linked to the advisory senatorial primary election, where Albert J. Hopkins was again running. Lorimer was surprised to find that Hopkins was trying to deal with Deneen, because Lorimer had given him support in the previous election and many of Deneen's followers would not have voted for Hopkins at any price.[34]

In spite of Lorimer's skillful manipulation of the "wet" vote in Chicago, Deeneen edged out Yates. Adlai Stevenson of Bloomington easily won the Democratic primary against J. Hamilton Lewis. In the general election which followed, Taft carried the state against William Jennings Bryan, and Deneen won by a narrow margin. The Chicago Tribune

attributed Deneen's close call to the enmity of Lorimer, Yates, and Small but declared that the enmity of such men was an honor to Deneen.[35]

Lorimer accepted the defeat philosophically and bounced back in the 1909 senatorial election, one of the most controversial episodes in Illinois politics. Progressivism was making inroads into bossism's base of support. The primary, civil service reform, and the discussions of initiative, referendum and recall were fracturing support for bossism. The new immigrant legislators and those who trusted the personal relationships with the bosses, wavered in the face of the demand for reform. Many of the old guard, confused and hesitant, bowed to the inevitability of the coming changes, hoping to moderate them.[36]

In extraordinary action by the General Assembly and with a prolonged aftermath of controversy filled with newspaper acrimony and accusations of bribery, Lorimer won the United States Senate seat which came up in 1909. Senator Albert J. Hopkins was up for election and had actually won the preferential primary. However, the final decision rested with the state legislature. There the various factions fought over the question for 126 days and finally gave the seat to Lorimer on the ninety-fifth ballot.[37] In several meetings late at night, Deneen and Lorimer arranged the vote. Years later, though they did not agree on what was said, Lorimer claimed that Deneen turned down the position because he was controlled by

by Chicago newspapermenVictor Lawson, Frank Noyes, and Medill McCormick, who would disown Deneen if he permitted Lieutenant-Governor John G. Oglesby to take the governor's office and have both the governor and the senator from Illinois in debt to Lorimer.[38]

After his successful election, Lorimer made a sincere effort to cooperate with Deneen and to harmonize the factional differences. Lowden designated Lorimer as his proxy on the national committee. However, the peace was short-lived because the Progressive reformers were afraid that Lorimer would lock up the patronage positions in the state.[39] Shortly thereafter, Lorimer's election was challenged on charges of bribery, leading to a prolonged investigation and ultimately to Lorimer's exclusion from his senate seat in July 1912.[40]

Len Small ran for governor in 1912. The election underscored the continued factionalism within the party, the divisiveness of the Progressive issues among Republicans, and the intense hatred of the Chicago press against Lorimer's machine and those, like Small, who were associated with it.

By 1911 the Republicans were again split into three factions: the Deneenites, who controlled the state administration; the "regular" organization, composed of the Busse-Campbell Cook County group and federal appointees placed by Cullom and Hopkins; and the Progressives, led

by Charles E. Merriam, Raymond Robins, and Illinois Senator Walter Clyde Jones and financed by Charles R. Crane and Julius Rosenwald.[41] Yet, aside from their opposition to Lorimer, these factions had little in common.

Progressivism, with the support of the Chicago Tribune, made rapid strides during 1911. For many Illinois Progressives, the goal was to eliminate bossism and political corruption. However, some Progressives wanted a preferential primary to repudiate Taft. They insisted upon defeating the President because they said he supported Lorimer. The Chicago Tribune led this fight. The timing was provident. Lorimer's scandal made him and the concept of bossism vulnerable. In addition, the Progressive reforms were eliciting more and more popular support.

Lorimer and thirty of this followers formed the Lincoln Protective League. The press promptly renamed it the "Lorimer-Lincoln League." The founders included, among others, William Hale Thompson and ex-congressman Frederick "Poor Fred" Lundin. The Lincoln League was markedly anti-Progressive or, as they phrased it, staunchly for the old-time Republican values. It opposed initiative, referendum, and recall and called the direct primary "the dream of weaklings." Lorimer first called upon Frank O Lowden who was also philosophically opposed to the new reforms, but he had just recovered from an illness. His second choice was Len Small, then United States subtreasurer. Small was a willing candidate who detested Deneen. Lorimer and Small organized the Lincoln League

thoroughout the state paying the costs out of their own pockets. With the congressional investigation on Lorimer's senatorial election of 1909 coming up during the campaign, the League's purpose was as much to defend Lorimer as to promote Small.[42]

Small used his own newspaper connections to promote both his candidacy and anti-Progressive philosophy. On November 1, 1911, at the Knights of Columbus Hall, Small's Kankakee friends organized what his own newspaper, the Kankakee Daily Republican, reported as a "monster" meeting to form a "Len Small for Governor Booster Club." Small then sent the news from this rally to his fellow editors around the state. On November 3, 1911, Small's Kankakee supporters boarded a train to the State Fair to start a boom for Small, holding meetings that filled and overflowed the largest hall in the city, where, according to the report, he pleased both "standpat" as well as the "Progressive" Republicans.[43] A few days later, with the editor of Small's Kankakee Daily Republican, Small attended the Republican Editorial Association in Springfield where he successfully persuaded more than 100 editors from all over the state to support anti-Progressive resolutions and to condemn the reforms of initiative, referendum, and recall as "socialistic doctrines."[44] Judge Cicero Lindley, the Lincoln-League downstate organizer, contrasted the stance of the Editors' Association with their fellow-newspaper editors in Chicago:

> I want to say a word or two in commendation of the Republican Editorial Association of Illinois, which at its recent meeting in Springfield, adopted resolutions denouncing the initiative,

> referendum and recall and calling a halt on the 'trust press' of Chicago in their efforts to destroy the party in the state and the nation .... [The people downstate are looking over this issue and realize] they have been duped by political tricksters who have been tools in the hands of a dictatorial newspaper combine."[45]

During the campaign, Small and Lorimer and Thompson traveled together and spoke all over the state. In his downstate speeches, including those at Charleston and Mattoon in Coles County, Lorimer had to warmed up audiences that were left cold by the news of his bribery scandal. He then warned the voters against the "socialistic doctrines of . . . Progressive Republicanism" which swept in "out of the west," and recommended Small, whose farm background would make him a good governor. Lorimer's group also tried to place Small's name first on the ballot but, in spite of persistent vigil in Springfield, were foiled when James A. Rose, the Secretary of State, underhandedly announced that the first petitions to be considered would be those received in the mail, which, of course, turned out to be Deneen's.[46]

Both Small and Deneen tried to circumvent the new primary law by arranging their own conventions to name a slate of candidates subject to the April 9, primaries. When Deneen and the Progressives arranged their convention, Small's newspaper protested, saying that such a ploy contradicted the direct primary principles which Deneen's own administration had approved and passed into law. Lorimer called the Deneenites hypocrites.[47] On February 3, at the Republican Convention in Chicago, Deneen announced for a third term as governor. Small followed

with his own announcement on February 7.[48]

On Lincoln's birthday, February 12, 1912, 2,500 Lincoln League Republicans gathered at the Chatterton opera house in Springfield to pay homage to their patron saint and to advertise Len Small. Small's old friend, Edward C. Curtis, nominated him in a ringing voice that penetrated every corner of the great auditorium.[49] Thirty bands played and pandemonium reigned when the nomination was made. Curtis also presented the party resolutions, referring to the "principles of Abraham Lincoln and of this league" as "the true and historic tests of Republicanism." Regarding Small, Curtis said:

> Whereas, He is fearless in the execution of his duty as a citizen, and
>
> Whereas, We have absolute faith in his ability, valor and sterling honesty, and he will never be found wanting in any crisis, and. . . .
>
> . . .Whereas, The Hon. Len Small has filled with marked success and ability, successively, the offices of circuit clerk, state senator, state treasurer and assistant treasurer of the United States, and in each has shown remarkable executive ability,
>
> Therefore, Be it resolved, that we, the Republicans of Illinois, in convention assembled, hereby indorse the candidacy of the Hon. Len Small for governor and pledge to him our unqualified loyalty and undivided support.[50]

Harry Atwood spoke eloquently on Small's behalf and touched upon the hated press trust. "Nominate Len Small," he said, "and I pledge you that he will transfer the executive office of this state from the newspaper offices of Chicago back to Springfield where it belongs."[51] Thompson added his praise declaring that Small would "prove himself a careful and successful, as well as honest official and business man."

Thompson reminded his listeners that Small was "one of the most prominent farmers in the state of Illinois."[52]

When it was Small's turn to speak the band struck up "Illinois" and nearly three thousand supporters yelled, "What's the matter with Len Small? He's all right." The auditorium shook with cheers, music, and marching, as delegates and their ladies joyously welcomed the candidate from Kankakee. Small's speech covered the substance of the Lincoln-League platform. He recited his condemnation of the initiative, referendum, and recall as "socialistic" measures which would mark the "end of representative government." He condemned the Deneen administration, calling it a "disgrace" that the administration was "controlled, owned, body and soul by the trust press of Chicago." Ashamed of the elected leaders, he pronounced judgement that "they are no longer men standing up for the rights of the people who elected them but are mere trembling things with their ears ever to the ground listening for the command of the independent mugwump editor." Small continued, in a vein intended as criticism of Deneen but, also, unintentionally ironic, in light of what the future held for himself:

> It has been the ambition of my life some time to become governor of the great state of Illinois. . . .I value my reputation and my friends and their confidence more than I value office. If being elected governor should make of me a demagogue and a hypocrite, forgetful of my friends and unmindful of my obligation to the people, then may God be merciful and prevent my election.[53]

As it turned out, God was merciful.

The Presidential contest that year also hurt Small's chances. Most Illinois Progressives supported La Follette. Senator Cullom, the federal appointees, and the Cook County organization supported Taft. Deneen took no stand. When La Follette dropped out due to a nervous breakdown, the contest in Illinois was between Taft and Roosevelt. Lorimer could not very well support either since both had sought his ouster from the Senate. Finally, he supported Taft. In his Illinois campaign, Roosevelt severely criticized Taft's connection to the Lincoln League and Senator Lorimer who was about to lose his senator seat over bribery charges.[54]

Small lost the campaign to Deneen by a plurality of almost 65,000 votes, nearly twice Small's vote total. Small won only four Chicago wards—the Fourth, Tenth, Eleventh, and Twentieth—all machine wards with a large Catholic and Jewish immigrant population. In the presidential primary Roosevent doubled Taft's total and La Follette won third. Cullom, who was running for a sixth term, paid the price for voting once to retain Lorimer in the Senate and was defeated by Lawrence Y. Sherman. Even though Roosevelt won the presidential primary in Illinois, Taft's forces denied them representation at the national convention, and Roosevelt bolted to form the Progressive "Bull Moose" party.[55]

In the fall election, the Democratic Party was victorious. Wilson won over Roosevelt and Taft. In Illinois, Edward Dunne, the Democratic candidate for governor who was helped by William Jennings Bryan, won when the Republican candidates split the vote. The Democrats were able to

pull together their own warring factions and hit the Republicans hard for "Lorimerism" and "jackpottism."[56]

Sobered by defeat in 1912, the Republicans made new factional alignments in the election of 1916 but could not completely heal the breach caused by the Progressive revolt. Nonetheless, as 1916 approached, the G.O.P. was grimly determined to restore its control in state politics. In the scramble for positions, the Lorimer machine, then under Fred Lundin's control, backed Frank O. Lowden.[57]

At this time Edward J. Brundage, Corporate Counsel of Chicago, had inherited Busse's political organization and tried to attach himself to Lowden for the attorney general position at the state level. Temporarily sharing a mutual interest, the Brundage crowd made a tenuous and unusual alliance with Lowden's old Cook County friends, the Lorimerites, who were then working to elect William Hale Thompson as mayor in 1915.[58] With help from Brundage, William "Big Bill" Thompson was elected. Thompson, like Small, was a loyal Lorimerite and a machine politician. A dynamic speaker combining the unusual backgrounds of rancher, an outstanding Chicago athlete in waterpolo, football, and sailing, and a real estate dealer, Thompson served briefly in local politics, then became the popular mayor in 1915. His flamboyant style and quick action in settling the street car strike made a good impression even on the federal crowd. Thompson's political popularity helped restore Lorimer's machine

to power and later helped Len Small win the governorship. However, scandals under Thompson's regime also contributed to the State's bad political reputation.[59] Moreover, when Thompson won in 1915, he had no intention of reconciling the party. He sought revenge on the Deneenites; he shamefully neglected the Brundage faction and the Progressives; and he handed out the patronage plums to the Lorimerites.

After Thompson's victory, Frederick Lundin directed the intricate Lorimer machine from his room in Chicago's Sherman Hotel. There he thumbed through his carefully compiled card indexes, rewarding those who had faithfully organized the vote and brought in the political harvest. Lundin, who, with affected modesty, called himself "Poor-Swede" and "insignificant me," was also known as the "Sage of Lake County" and "foxy Fred." In Horatio Alger fashion, he rose from working as a bootblack and newsboy, to a clerk in a clothing store and salesman of pills among Swedish immigrants on the northside. Then he launched his fortune on an old family recipe using juniper berries in a brewed concoction which he called "Juniper Ade,"and which he sold with great fanfare from a rickety wagon in the streets. Later, using the mail order technique, he expanded the business to include patented medicines. His style and good standing with the Swedish community opened the door to politics and the Lorimer machine. In 1895 he was elected to the state senate but held no political position in 1915. "Probably few men in American urban history have been his equal in building and operating an intricate political machine and

keeping it well oiled."[60]

Thompson widened the gap with Brundage by hesitating to endorse Lawrence Y. Sherman as the Illinois Presidential candidate. Brundage and Dawes were strong Sherman supporters and Thompson's delay in coming to their aid hurt Sherman's chances to become the nominee from Illinois. Later, in the winter of 1916 Lowden, Dawes, and Sherman tried to no avail to effect a partial reconciliation between Brundage and Thompson.[61]

The primary was full of contenders. Nearly one year ahead of the election, Frank L. Smith, a Dwight banker who had managed Taft's 1912 campaign, announced for the governorship. Frank Lowden's supporters wanted the nomination for him. The Progressives were struggling for survival. The Progressive State Senator Medill McCormick, owner of the Chicago Tribune, announced his return to the G.O.P. and as a peace offering was made temporary chairman of the convention at Peoria on April 21. However, other Progressives were not treated as amicably by the conservative wing of the party. They maintained their division under the leadership of Harold Ickes as chairman and Frank H. Funk of Bloomington as treasurer, with Charles E. Merriam as their first choice for goveror. Moreover, former Governor Deneen wanted to maintain a handhold on party patronage. Rather than supporting Smith, Deneen persuaded Senator Morton D. Hull, a former Progressive, to compete against Lowden. Deneen's antipathy toward Frank L. Smith was long standing. Deneen's

political and personal friend Roy O. West had married Louise McWilliams on June 8, 1904. Louise McWilliams was the daughter of Charles McWilliams who owned a bank in the town of Dwight, the same town where Smith owned a competing bank. When Deneen was governor, much to Smith's dismay, Deneen consciously and deliberately provided state money and patronage to the McWilliams bank and refused to give any funds to Frank Smith's bank.[62]

A cautious alliance was formed in a mid-May conference at Eagle Lake, Wisconsin among Lowden, Thompson, and Sherman. Lowden promised Thompson support against Roy O. West for national committeeman. Thompson, in turn, agreed to support Lowden for governorship and to use his extensive precinct influence to raise petitions asking for Lowden to declare his candidacy. In spite of the alliance, however, Lowden avoided appearing together with the mayor. Sherman was put on the Illinois primary ballot as the presidential candidate.[63]

In the April 11 pre-primaries, Deneen's people appeared to have won enough positions to control the State Central Committee. This outcome dispirited both Lowden and Thompson. Nonetheless, Lowden declared his candidacy for governor and promised to hold himself aloof from all factions and their quarrels. Attempting to put some public distance between himself and the Lundin-Thompson crowd for campaign purposes, Lowden declared:

> I shall make no promises, either express or implied and shall have no alliance, either direct or remote, which will embarrass the

> free exercise of my best judgment in discharging the duties of governor, should I be nominated and elected.[64]

At the time, even the most perspicacious politicians discounted these words as mere campaign rhetoric. Few, if any, saw them as the harbingers of a rift that would grow between Lowden and his Lundin supporters.[65]

Just prior to the Republican state convention on April 21, in an all night enclave in one of the Peoria hotels, a sufficiently strong Lowden-Thompson-Sherman-Brundage coalition was developed to assure its control of the party's organization. They pushed aside the Deneenites and took control over the State Central Committee, preventing Deneen's candidate, Roy O. West, from becoming the Republican national committeeman. By feigning hesistancy toward Sherman and Sterling, Thompson won their support for national committeeman. Sherman then was easily made the Illinois presidential candidate and Sterling became the chairman of the State Central Committee. Before he left Peoria, Lowden may have promised to back Brundage if he decided to seek election as attorney general of Illinois.[66]

In the primary campaign, Lowden received widespread and complimentary attention while Frank L. Smith turned to abusive speeches, ridiculing Lowden's pretensions as a farmer and his connection to "Big Bill." At the Republican nominating convention in Chicago on May 20, Thompson secured the national committee spot, but Sherman lost the presidential nomination to Charles Evans Hughes on the third ballot.[67]

After the convention, the Brundage and Thompson factions made peace over the Cook County positions and Brundage formally announced his candidacy for attorney general. In a futile fit of defiance against Thompson, Deneen supported Morton D. Hull, the former Progressive, against Lowden. In the last weeks before the September 11 primary, Hull and Smith focused their criticism on Lowden rather than each other. Hull quipped, "The voice is the voice of Lowden, but the hand is the hand of Lundin." The anti-Thompson-Lundin press was very hostile to Lowden and misrepresented his support to the Chicago voters. However, the voters spoke differently on primary day and nominated Lowden for governor and Sherman in the preferential primary for President.[68]

In the election that followed, Lowden ran successfully against Democrat Edward F. Dunne, the respected and capable, incumbent governor. Both the Chicago Tribune and the Chicago Record-Herald endorsed Lowden over Dunne in spite of the Chicago Tribune's previous Progressive stance and Lowden's own anti-Progressive statements. Although Lowden won the election, two others on the ticket—Edward Brundage for attorney general and Andrew Russel for auditor of public accounts—received more votes.[69]

Lowden began his administration with a complete reorganization of the executive administrative branch. Following the plan outlined by Dr. John A. Fairlie, professor of political science at the University of Illinois, he consolidated the various commissions and established nine departments.

This reform brought Lowden into conflict with the Thompson-Lundin-Lorimer machine. Not only did Lowden wait to deal with patronage until after his program was established, but he sought to avoid using the new positions as rewards for campaign services. In the distribution of jobs, Lowden almost viewed an endorsement from the Thompson faction as a blackball. The division between the two factions grew wider over the issue of pacifists in Chicago, over Lowden's turning to Deneen and Brundage in controlling the State Central Committee, over what Thompson considered to be a broken promise to support him for the senate seat of J. Hamilton Lewis in 1918, and over conflicts between the Governor and the Mayor in setting public utility rates and in handling a racial riot Chicago.[70]

Lowden set his sights on the Presidential nomination. Small, who had originally given Lowden some support in the autumn of 1917, went along with the Thompson wing when it pulled back from Lowden after losing the patronage rewards. Thompson was determined to eliminate Lowden from state politics. Since Lowden could not expect support from Thompson, who held the important position of national comitteeman, he turned to his old primary opponent, Frank L. Smith, who was the head of the State Republican Committee, as his principal spokesman among Illinois congressmen. Lowden also chose the inexperienced Louis L. Emmerson, Illinois Secretary of State, to manage his national campaign. As much as possible, Emmerson avoided conflicts with Thompson's organization and counted on Lowden's record to carry the state. However,

even when Lowden began to build support, Thompson refused to help.[71]

Several factors influenced the election of 1920, but the Republican party, while maintaining its stronghold on political offices, was still factionalized. In 1918 prohibition became an issue and organized crime and the illegal liquor trade scandalized Chicago and the politicians associated with it. Small, whose political base was tied to the old Lorimer-Lundin-Thompson crowd, was accused of having connections to those groups. Women won the right to vote and cast their first ballots as the nation entered one of its worst periods of political morality. They tended towards reform and made some of the past political practices more difficult for the bosses. Also ethnic groups and blacks continued to influence the outcome of elections with many of the ethnic groups switching toward the Democratic party during the decade of the 1920's while the blacks remained in the Republican party until the 1930's.[72]

Control of the Republican party was still divided. Edward J. Brundage assumed leadership of Fred Busse's north side along with Medill McCormick. On the south side, former Governor Charles S. Deneen, still had a following. The west side had been under the influence of William Lorimer, and, even though the 1912 senate ouster damaged him, his influence was still seen from time to time. The Lorimer organization was generally taken over by Fred Lundin and William Hale Thompson. As late as 1927, however, Lorimer helped Thompson in the mayoral election.[73]

Thompson opposed Lowden at the national convention. His opposition together with an alleged pay-off scandal involving Lowden's staff knocked Lowden out of the race and threw the convention to the "available man," Warren G. Harding, who emerged from the smoke-filled Blackstone Hotel room to become the next President of the United States. Thompson was delighted with his achievement and the power it signified. He demanded re-election as national committeeman and the adoption of his own platform by the Republican state convention. With the Chicago treasury empty, he began to look toward the Lowden's state administration surplus, the sixty-million dollar road bond issue, the lucrative construction contracts associated with it, and the patronage opportunities of state offices as new fuel for his growing machine.[74]

Thompson and Lundin tapped Len Small as their man for governor. Small was "always obedient, always subservient, always ready to perform willingly and capably for Poor Swede and Big Bill."[75] Small announced for governor on June 23, 1920 in a letter addressed "To the Republicans of Illinois," and immediately attacked Lowden but not by name.[76] Small endorsed Thompson's platform and pledged to repeal the Public Utilities Commission, giving control to communities through home rule. He emphasized his farm connections and opposition to "profiteers" and concluded with a promise to "vigorously push to completion" the hard road system which had been approved by the people.[77]

Small shrewdly used his well-established farm background

through a "Dear Friend" letter from the Kankakee County Soil and Crop Improvement Association spelling out his farm credentials and his popular commitment to the building of hard roads. The association attached a biography entitled "Brilliant Career of Len Small," detailing in complimentary ways Small's political career.[78]

When Small announced for the office of governor, Lowden, still angry from his bruising by the Thompson crowd at the national convention, unleashed his fury and decided to fight fire with fire. Lowden met with his leading political friends, including Deneen, Brundage, Medill McCormick, and Lawrence Sherman, to prepare to fight. On June 29, refusing to run for governor himself, he announced a hand-picked slate of officers. His candidates were: John G. Oglesby, for governor; Fred Sterling for lieutenant governor; Louis Emmerson for secretary of state, Andrew Russel for auditor of public accounts, and Edward Brundage for attorney general.[79] Lowden also backed William McKinley for senator instead of Frank Smith, who was rejected by the Deneen-West faction as well. Smith, frustrated, finally turned to the Thompson-Lundin-Small group for endorsement. On July 12 Lowden issued a stinging criticism of Thompson and Lundin. "An extraordinary situation confronts this state," he declared. "The situation, if not met firmly and courageously, is a real menace to the state of Illinois." He accused Thompson of building a Chicago Tammany.[80]

With the lines drawn, the primary campaign quickly became a

verbal battle ground with no holds barred. Driven by vengeance and concern for the political fortunes of his organization, Big Bill threw himself into the campaign and Small followed in his wake. At meeting after meeting in Chicago, whenever Len Small and Big Bill appeared together, Small would make a short, unexceptional speech usually ending with the remark, "I'm sorry to be taking up your time, for I know you want to hear the greatest mayor Chicago ever had—the greatest man in the United States."[81]

Small and Thompson attacked Lowden. They ridiculed his support for "Flop-Ear Lou" Emmerson, who was involved in Lowden's pay-off scandal; they claimed that Lowden ignored the Yates-Small-Smith Republicans to whom he owed his election; they claimed that Lowden had hurt streetcar riders creating a public utilities commission which granted a seven cent fare, and they accused Lowden of stopping Thompson's attempt to pass a five-cent fare. Small mailed "Dear Friend" letters to Republican voters in which the words "coward," "welcher," mouthpiece of criminal profiteers,' "millionaire tax-dodgers," and other similar epithets were repeated. Lowden responded in kind but not with the same skill. He mostly spoke for his ticket and defended the tax and public utilities commissions, but privately he called Thompson and his cronies a "desperate, despicable gang." He said the City Hall was a "Chicago Tammany" and called Lundin's influence "invisible and irresponsible."[82]

Although Oglesby led in the downstate vote, Small won by eight

thousand votes in the state total. McKinley beat Smith in the senate race and Lowden's men, Sterling, Emmerson, and Brundage, were nominated. On primary day, three hours after the polls closed in Chicago, Thompson called Small at his Kankakee farm and congratulated him on his victory.[83] Only one result displeased Thompson, for Brundage had defeated Barr as attorney general. Still, Thompson thought that Brundage would be amenable to direction. In that he was mistaken.

In the election, Small ran against the colorful J. Hamilton Lewis who attacked Small's record as treasurer and his connection to Thompson. He was quick with quips about Small, saying at one point that the governor's chair was "too big for Small."[84] Small made his campaign speeches from the platform of the Republican train carrying Smith, McKinley, Brundage, Sterling, Emmerson, and other Republican leaders. He defended against charges of corruption and attacked Lewis on the same grounds. He sold his platform of hard roads, a more liberal policy for education, and better salaries for teachers. He denied that he had withheld funds from the state while he was treasurer.[85]

In a biting editorial, the traditionally Republican Chicago Tribune surprised the electorate by rejecting Small with these words:

> We do not see how a Republican who was convinced before the primaries that the nomination of Len Small, protégé of William Hale Thompson and Fred Lundin, would be an extraordinarily bad thing for the state, can be reconciled to the election of Len Small. Mr. Small has not changed. His backing and the purposes of his backing are the same. They were opposed before as bad. They must be opposed now as bad. The nomination of Small was the necessary preliminary. But it gains nothing for his Chicago Tammany backing

> unless he is elected. The state does not lose anything through this Tammany unless Small is elected. . . .We do not like Lewis's national politics. . . .As a state administrator, he will be better than Len Small and he will not carry Len Small's crowd into office. A voter who is soundly Republican on national issues is perfectly free to choose the best administrator he can get in the tickets presented to the state and Lewis is better than Small.[86]

The Illinois State Register reprinted the Chicago Tribune article and also supported Lewis. The Decatur Herald, also normally Republican, came out against Small but supported the rest of the Republican ticket.

Yet, in spite of the bitterness of the charges and countercharges, an uneasy peace developed in the seven weeks between primary and election day. Small, who had issued scathing criticisms of the public utility companies during the summer, temporarily buried the hatchet and supported William B. McKinley of Champaign, one of the biggest traction magnates of them all. Likewise, Lowden sent hearty congratulations to Small in a cordial spirit in spite of the way Small blasted him as the "toady" of "sinister corporations" during the summer.[87]

The Harding landslide, greater than anticipated, swept up Small into the victor's column. Small ran behind the national ticket but still beat Lewis by 511,597 votes. In the congressional delegation, the Republicans outnumbered the Democrats by twenty-five to three. William McKinley won Sherman's senate seat by a margin of 827,012 votes.[88] "The roof is off!" yelled Big Bill Thompson as the returns came in. "We ate 'em alive," he shrieked. "We ate 'em alive with their clothes on!" With a crowd mobbing him to offer congratulations, Thompson beckoned to a group of musicians. "Put on a big party! Let the jazz band play! Let's show 'em we're all live

ones.!" In the same jubuliant mood, Small triumphantly announced, "We face a new dawn, which will bring peace, prosperity, and happiness."[89]

The roaring twenties started to roar. The nation turned away from calls to idealism, crusades to defend democracy, the sacrifices of war, and a provocative scheme for a new world order. Progressivism, which roared in the Bull Moose campaign of 1912 and danced in the concrete legislation of the Wilson administration, was a spent force by 1920. Its last gasping efforts at reform produced prohibition and women's suffrage. The war worked on the Progressive spirit. The rigid economy, the exaggerated anti-Hun propaganda, the discipline of a centralized war machine, and the prolonged fight over the peace treaty, all took their toll. Americans wanted "normalcy." They wanted peace, prosperity, and a chance to return to the innocence, the simple morality, and the warm certitude that mankind was progressing. In Illinois, progressivism had been dealt an awful blow. William Lorimer, who had been one of its notable victims in 1912, might have smiled in the wings as he remembered that every Illinois governor from Richard Yates to Len Small, including the Democratic governor Edward Dunne, owed some debt to his vision of political reality and to the machine which he created and kept running in spite of the assaults by his former protégés. When his old 1912 protégé, Len Small of Kankakee, stepped out on center stage in November of 1920, Lorimer should have felt justified. Boss politics, which had been the target of the newspaper world and those out of power, had triumphed resoundingly. However, bossism

and Lorimerism did not heal the factionalism of Illinois Republicans. Like the nostalgic innocence of the pre-war era, the temporary unity of Illinois Republicans during the election was only an illusion.

Small had won a stunning victory. His election as governor was the payoff for his patient loyalty and obedience to the machine. He understood, in a way that Lowden did not, that even good men depended upon the patronage of party for their livelihood. Moreover, in an imperfect world, Small also realized that administrative competence had to be supplemented with a readiness to play the game of politics. While many Republicans caught the fire of progressivism which sought to extend political decisions to all the people, Small, the Chicago machine which he supported, and many other so-called reform governors, including Lowden, were skeptical of new systems which substituted mob judgment for the informed judgment of representative conventions. Also, the machine performed a positive function in an industrial society which had not yet adjusted its social and political systems to the meaning of concentration of economic power. Ethnic groups responded to leadership which challenged the "sinister trusts" that otherwise made them powerless. Finally, there was only slight difference in the kind of control which bosses actually exercised and the kind of control which newspaper publishers and some so-called reformers wanted to exercise.

In November of 1920 Small had his reward; however, his enemies, the angry factions and the powerful newspaper trusts, were to give him no peace. In the years that followed, Small would pay a heavy

price for the prize of 1920.

End Notes

[1]Kankakee Daily Republican, Nov. 10, 1911, 1.

[2]Lloyd Wendt and Herman Kogan, Big Bill of Chicago (Indianapolis: Bobbs-Merrill Co., Inc., 1956), 184, writing about Len Small with respect to Lundin-Thompson machine in 1920.

[3]Kankakee Daily Republican, Feb. 13, 1912, 1,2. Small's description of his reputation.

[4]U.S. Congress. Senate. Election of William Lorimer: Hearings before a Committee of the Senate to Investigate Whether Corrupt Methods and Practices were Used or Employed in the Election of William Lorimer as a Senator of the United States from the State of Illinois. Senate Doc. 484, 62nd Cong., 2nd sess. (Quoting Ira Copley), 5: 4403, see also 4517 ff. See Joel A. Tarr, A Study in Boss Politics: William Lorimer of Chicago (Urbana: University of Illinois Press, 1971), 201-202. Quote attributed to Roger C. Sullivan in Tarr, Study in Boss Politics, 199.

[5]Richard Hofstadter, The Age of Reform: From Bryan to F.D.R. (New York: Vintage Books, 1955), 258-259, quoting William Allen White, The Old Order Changeth, 39.

[6]For a more detailed explanation of the misunderstanding between reformers and bosses and for the values of each and for a discussion of the Humphrey and Allen Traction bills related to the company of Charles Tyson Yerkes see Tarr, Boss Politics, 65-88.

[7]John D. Buenker, "The New Stock Politicans of 1912," Journal of the Illinois State Historical Society (Spring, 1969): 35-52; John D. Buenker, "Edward F. Dunne: The Urban New Stock Democrat as Progressive.," Mid-America 50 (Jan. 1968): 3-21; Donald Fred Tingley, The Structuring of a State: The History of Illinois, 1899-1928 (Urbana: University of Illinois Pres, 1980), 150; John D. Buenker, "Urban Immigrant Lawmakers and Progressive Reform in Illinois," in Essays in Illinois History, ed., Donald Fred Tingley (Carbondale, IL: Feffer & Simons, Inc., 1968), 52-74; Richard Hofstadter, The Age of Reform: From Bryan to F.D.R. (New York: Vintage Books, 1955), 182-186; George E. Mowry, The Era of Theodore Roosevent and the Birth of Modern America, 1900-1912, The New American Nation Series, eds, Henry Steele Commager and Richard B. Morris (New York: Harper &

Brothers, 1958: Harper Torchbooks, Harper & Row, 1962), 86-87.

[8]William Thomas Hutchinson, Lowden of Illinois: The Life of Governor Frank O. Lowden (Chicago: University of Chicago Press, 1957), 1: 93-94; Tingley, The Structuring of a State, 151.

[9]Hutchinson, Lowden, 1: 80-81.

[10]Tarr, Boss Politics, 247-248; For a discussion of the influence of the federal crowd and the split that occurred between the Lorimer-Tanner-State crowd and the federal group see pp. 89-103.

[11]For the Deneen connection see Tarr, Boss Politics, 126-127; Chicago Tribune, June 9, 1898, May 13, 14, 1900; Roy O. West to Dawes, February 9, 22, Mar. 4, 1901, Charles G. Dawes, Papers, Northwestern University Library, Evanston. For the Yates connection see Tarr, Boss Politics, 249-250. For the early Lowden connection see Tarr, Boss Politics, 256-257.

[12]Tingley, Structuring of a State, 151; Charles E. Merriam, Chicago: A more Intimate View of Urban Politics (New York: Macmillan Co., 1929; repr., New York: Arno Press and The New York Times, 1970), 179-185; Merriam, Chicago, 185.

[13]Tingley, Structuring of a State, 151; Buenker, "Edward F. Dunne", 3; Merriam, Chicago, 179, 182-183.

[14]See Edward F. Dunne, Illinois: Heart of the Nation (Chicago: Lewis Publishing Co., 1933), 3: 11-12.

[15]Tingley, Structuring of a State, 153, 358; John Myers Allswang, The Political Behavior of Chicago's Ethnic Groups, 1918-1932 (Dissertation, University of Pittsburgh, 1957), 7-9, 17, 122-62; For a table showing Chicago nationalities in the labor market in 1921 see, Chicago Tribune, July 21, 1921, 17; For 1920 figures see also, Merriam, Chicago, 134-136. For tables on 1892 and 1910 see Tarr, Boss Politics, Appendix D, E, F, 324-334. John Meyers Allswang, Bosses, Machines, and Urban Voters: an American Symbiosis (Port Washington, N.Y.: National University Publications, Kennikat Press, 1977), 93-95, 99. John Myers Allswang, "The Chicago Negro Voter and the Democratic Consensus: A Case Study, 1918-1936," Journal of the Illinois State Historical Society 60: 145-175, 149.

[16]Tingley, Structuring of a State, 362.

[17]Caroll Hill Wooddy, The Case of Frank L. Smith: A study in

Representative Government (Chicago: University of Chicago Press, 1931; reprint ed., New York: Arno Press, 1974), 165

[18]Tingley, Structuring of a State, 155-156; W. A. Townsend and C. Boeschenstein, Illinois Democracy, History of the Party and Its Representative Members' Past and Present (Springfield: Democratic Historical Association, 1935), 2: 59.

[19]Chicago Tribune, May 9, April 15, 1900, sec. 1, 6.

[20]Tingley, Structuring of a State, 156-157; Hutchinson, Lowden, 1: 97; Chicago Tribune, April 8, 1900, 4; April 13, 1900, 6; April 14, 1900, 1; April 21, 1900, 1. Charles Gates Dawes: A Journal of the McKinley Years, 1893-1913 (Chicago: Lakeside Press, R. R. Donnelley & Sons Company, 1950), 210, 224-27. Chicago Tribune, May 9, 1900, 1; May 10, 1900, 1; Joel A. Tarr, A Study in Boss Politics: William Lorimer of Chicago (Urbana: University of Illinois Press, 1971), 96-102.

[21]Chicago Tribune, Nov. 8, 1900, 5: 1. Mary Jean Houde and John Klasey, Of the People: A Popular History of Kankakee County (Chicago: The General Printing Co., 1968), 200.

[22]Dunne, Illinois: Heart of the Nation, 3: 296-297; Chicago Tribune, Jan. 6, 1897, 1-2; Louis L.Emmerson, Blue Book of the State of Illinois, 1921-1922 (Springfield: Illinois State Journal Co., 1921), 232; Tarr, Boss Politics, 82.

[23]Frank Noyes of the Chicago Record-Herald, Victor Lawson of the Chicago News, and Robert W. Patterson of the Chicago Tribune. Noyes echoed the views of his employer, Lawson. see Hutchinson, Lowden, 1: 97, footnote 56. For more detail on Deneen's break from Lorimer see Tarr, Boss Politics, 127-128; Victor Lawson to Deneen, May 1, 1905, Apr. 26, 1907, to Roy O. West, June 17, 1905, Aug. 3, 1906, Lawson Papers, Newberry Library. Chicago.

[24]Tingley, Structuring of a State, 160-161; Illinois Blue Book, 1903, 569-72.

[25]Inter-Ocean, Jan. 12, 1900, 1-2; Hutchinson, Lowden, 1: 103-104.

[26]Tarr, Boss Politics, 105-106, 108-109; Chicago Tribune, Apr. 18, June 15, 26, 1901; Steward to Dawes, Mar. 16, 1091, Charles Gates Dawes, Papers, Northwestern University Library, Evanston.

[27]Wooddy, The Case of Frank L. Smith, 156-157.

[28]Mrs. Lowden's diary, Nov. 4, 1902, Frank O. Lowden, Papers, University of Chicago, Chicago; Hutchinson, Lowden, 1: 105-106, 108-109; Chicago American, Jan. 7, 1903; Chicago Inter-Ocean, Jan 22, 1903; Chicago Chronicle, Jan 25, 1903. All Chicago papers except the pro-Lorimer Inter-Ocean had opposed Hopkins' election.

[29]Hutchinson, Lowden, 1: 112-113; Wendt and Kogan, Big Bill, 57-62.

[30]Ibid., 63-64.

[31]Ibid., 63-65; Hutchinson, Lowden, 1: 130-131; Tingley, Structuring of a State, 165; Dawes: Journal of the McKinley Years, 373, 377; Chicago Tribune, July 21, 1921, 3; Wooddy, The Case of Frank L. Smith, 157. Joel A. Tarr, "President Theodore Roosevelt and Illinois Politics, 1901-1904," Journal of the Illinois State Historical Society 58, no. 3 (Autumn 1965): 261-262; John McCan Davis, The Breaking of the Deadlock (Chicago: Henry O. Shepard Company, 1904), 386-389. Hutchinson indicates that the deal may have been made with Sherman or Hamlin; Tarr indicates that the evidence in the Yates papers show conclusively that the senatorship was promised to Yates. See Yates to Charles S. Deneen, July 30, 1905, Yates to James E. Babb, Aug. 14, 1906, Sherman to Yates, April 24, 1916, Richard Yates, Papers, Illinois State Historical Library, Springfield, Ill.

[32]Wooddy, The Case of Frank L. Smith, 157.

[33]For details of the heated battle over the direct primary for state offices see Tarr, A Boss Politics, 182-189; The Jones-Oglesby bill, January 29, 1908 established the direct primary with Deneen's backing. U.S. Congress. Senate. Election of William Lorimer: Hearings before a Committee of the Senate to Investigate Whether Corrupt Methods and Practices were Used or Employed in the Election of William Lorimer as a Senator of the United States from the State of Illinois. Senate Doc. 484, 62nd Cong., 2nd sess. 1:254 (Richard Yates testifying); Chicago Tribune, Jan. 30, 31, 1908; Chicago Tribune, July 21, 1921, 3; For the quotation about Small see Tarr, Boss Politics, 190.

[34]U.S. Congress. Senate. Election of William Lorimer, 62nd Cong., 2nd sess. 7: 7126 (Morton D. Hull testifying), 8: 7686, 7689; Tarr, Boss Politics, 192-193.

[35]The pro-temperance groups tended to be native Americans and Swedes. The "personal liberty" groups tended to be Germans, Bohemians, Poles, and Catholic Irishmen. Tarr, Boss Politics, 192-194; See also for this

issue, John D. Buenker, "Urban Immigrant Lawmakers and Progressive Reform in Illinois," in Essays in Illinois History, ed., Donald Fred Tingley (Carbondale, IL: Feffer & Simons, Inc., 1968), 72-74; Chicago Inter-Ocean, Aug. 9, 1908; Tingley, Structuring of a State, 169. For the election results see Chicago Tribune, Nov. 6, 1908, 5, 8; Rose, James A. ed. Illinois Blue Book (Danville: Illinois Printing Company,1909), 369-73.

[36]Buenker, "Urban Immigrant Lawmakers," 65-66.

[37]Hutchinson, Lowden, 1: 178-179.

[38]Ibid., 1: 179-180, 183-186; Tarr, Boss Politics, 199 ff., 214-221; U.S. Congress, Senate, Election of William Lorimer, 62nd Cong., 2nd sess. 8: 7428; 1: 369, 835-36; 2 : 1124, 1134; 5 : 4577.

[39]Tarr, Boss Politics, 221; U.S. Congress, Senate, Election of William Lorimer, 62nd Cong., 2nd sess., 2: 1143-44 (Deneen testifying), 8: 7441-42; Lowden to Taft, July 30, 1909, to Chairman and Members, Republican National Committee, July 31, 1909, Frank O. Lowden, Papers, University of Chicago, Chicago; Chicago Tribune and Chicago Inter-Ocean, Aug. 1, 1909; Chicago Inter-Ocean, May 27, 1909; Chicago Tribune, May 27, 1909; Hutchinson, Lowden, 1: 187; Tarr, Boss Politics, 304. See also, Jerome M. Clubb and Howard W. Allen, "Party Loyalty in the Progressive Years: The Senate, 1909-1915," Journal of Politics 29 (Aug. 1967): 567-584.

[40]Hutchinson, Lowden, 1: 187; U. S. Congress, Senate, Election of William Lorimer . . . .A Copy of the Report of the Special Investigating Committee of the Illinois Senate, Douglas W. Helm, Chairman, in Regard to the Election of William Lorimer as United States Senator. Senate Doc. 45. 62nd Cong., 1st Sess. (Washington, 1912), 9, 11, 158; Charles A. Church, History of the Republican Party in Illinois, 1854-1912 (Rockford: Wilson Brothers Co., 1912), 216; Tarr, Boss Politics, 233-307. Tingley, Structuring of a State, 175-176; Church, Republican Party in Illinois, 214-18; Dunne, History of Illinois, 2: 479-480; U. S. Congress, Senate, Senate Reports (Washington, D.C., Government Printing Office, 1912), 62d Cong., 2d sess., No. 769, 1: 87, 9.

[41]Tarr, Boss Politics, 285-286.

[42]For the formation of the League and membership see: Ibid., 286-287; Chicago Tribune, July 11, 12, 28, August 2, 3, 16, 17, 1911; Wendt and Kogan, Big Bill, 75; Several pieces of the platform are in the Small Papers. Chicago Tribune, July 19, 1912; For Lowden's illness see: Hutchinson, Lowden, 1: 189-190, 197, 243-244; For Lorimer's recruiting see: William Lorimer to Frank O. Lowden, Aug. 6, 1911 and Lowden's reply, Aug. 25, 1911, Frank O. Lowden, Papers, University of Chicago, Chicago. For

Lowden's anti-Progressive beliefs see Hutchinson, Lowden, 1: 244-245. See also Ibid., 2: 477-478. Tarr, Boss Politics, 287-288. Lorimer had contributed $10,000 to the Lincoln League treasury, Small $5,000, and Thompson $1,000. See "Treasurer, Lincoln-Protective League" to Lincoln Protective League of Illinois, Apr. 3, 1912, Small Papers. Tarr, Boss Politics, 288. Small to Harry B. Ward, Jan. 15, 1912; Small to E. M. Gullick, April 1, 1912, Small Papers.

[43]Kankakee Daily Republican, 1 November 1911, 1, 3 November 1922, 1; 24 November 1911, 1.

[44]Ibid.

[45]Ibid., Dec. 7, 1911, 1.

[46]Ibid., Dec. 8, 1911; Small to J. V. Stevenson, Oct. 20, 1911, to John W. Lewis, Feb. 17, 1912, Small Papers; Chicago Tribune, Aug. 21, 25, Sept. 2, 6, 8, 16, 23, 1911; Lorimer to James M. Lawrence, Mar. 25, 1912, Small Papers; Kankakee Daily Republican, Dec. 27, 1911, 1; 2 January 1912, 1; Feb. 8, 1912, 1; Feb. 9, 1912, 1, 6; Feb. 10, 1912, 1.

[47]Ibid., 27 December 1912, 1; 27 January 1912, 1; Jan. 26, 1912, 1.

[48]Ibid., Feb. 8, 1912, 1.

[49]Ibid., Feb. 12, 1912, 1.

[50]Ibid.

[51]Ibid.

[52]Ibid., Feb. 13, 1912, 1.

[53]Ibid., 1,2.

[54]Tarr, Boss Politics, 288-289; New York Times, Apr. 7, 19, 1911; Chicago Tribune, Mar. 28, Apr. 7, 9, 1911; Feb. 26, Mar. 1, 14, 21, 31, 1912; For Lorimer's ouster from the Senate see Tarr, Boss Politics, 299-301.

[55]Lorimer to Judge Solon Philbrick, Apr. 4, 1912, Small to R. H. Mann, Apr. 4, 7, 1912, Small to W. S. Meyer, Apr. 8, 1912, Small to Charles Davis, Apr. 8, 1912, Small Papers; Tingley, The Structuring of a State, 178; Tarr, Boss Politics, 290-291; George E. Mowry, Theodore Roosevelt and the Progressive Movement (New York: Hill and Wang, 1946), 229-255.

[56]Tarr, Boss Politics, 235, 236, 238, 243, 247, 259, 303.

"Jackpottism" refers to the account written by Charles A. White, Democratic member of the Illinois General Assembly, who announced that he received $1,000 from Lee O'Neil Browne to vote for William Lorimer as senator. The story entitled "The Jackpot" made reference to a "jackpot" of money to be used for bribery purposes. White's article was rejected by other newspapers but won a sympathetic and enthusiastic ear at the Chicago Tribune, which purchased it for $3,250. See James Weber Linn, James Keeley: Newspaperman (New York: The Bobbs-Merrill Company, 1937), 143-149 for the purchase of the story. For the White testimony see the Dillingham Committee Hearings, U.S. Congress. Senate. Election of William Lorimer: Hearings before a Committee of the Senate to Investigate Whether Corrupt Methods and Practices were Used or Employed in the Election of William Lorimer as a Senator of the United States from the State of Illinois. Senate Doc. 484, 62nd Cong., 2nd sess. (Quoting Charles White), 3: 2404-2826, 2496; and also Journal of the House of Representatives of the Forty-sixth General Assembly, 1892-1912 (Springfield: Illinois State Journal Co., 1893-1913), 1058-59. Chicago Tribune, Apr. 30, 1910; Tingley, The Structuring of a State, 182.

[57]Chicago Tribune, Nov. 7, 1912, 6; Chicago Record-Herald, Nov. 5, 1912, 8; Nov. 6, 1912, 5; Nov. 17, 1912, 5: 6; Woods, Harry, ed. Illinois Blue Book, 1913-14 (Danville: Illinois Printing Co., 1914), 565-566.

[58]Hutchinson, Lowden, 1: 256-258.

[59]Ibid., 1 : 263. Ibid., 1 : 163; For federal support see C. G. Dawes to Senator L. Y. Sherman, July 1, 1915, Charles G. Dawes, Papers, Northwestern University Library, Evanston; Harold Ickes called him 'William Hale Thompson the Gross' and 'the Huey Long of his time and locale—without Huey's brains, however.'" Harold Ickes, The Autobiography of a Curmudgeon (New York: Reynal & Hitchcock, 1943), 146, 172-73. See also Wendt and Kagan, Big Bill of Chicago or John Bright, Hizzoner, Big Bill Thompson (New York: J. Cape & H. Smith, 1930); Tingley, Structuring of a State, 185.

[60]Bright, Hizzoner, 73, 78. Wendt and Kogan, Big Bill, 82-115; Tingley, Structuring of a State, 360; Hutchinson, Lowden, 1: 263.

[61]Hutchinson, Lowden, 1: 265-267.

[62]Ibid., 1: 278; Wooddy, The Case of Frank L. Smith, 80-82, see note 10.

[63]Hutchinson, Lowden, 1: 265-267;Wooddy, The Case of Frank L. Smith, 93.

[64]Hutchinson, Lowden, 1 : 276-277.

[65]Ibid.

[66]Ibid.; St. Louis Globe Democrat, Apr. 22, 1916; Hutchinson, Lowden, 1: 278.

[67]Ibid., 1: 266, 280-85.

[68]Ibid., 1: 282, 285; Chicago Journal, July 5, 1916.

[69]Tingley, Structuring of a State, 185, 187. Hutchinson, Lowden, 1: 287-288, 291, see also note 66; Chicago Tribune, Nov. 6, 1916, 10; Nov. 9, 1916, 8; Dunne, Illinois the Heart of the Nation, 2: 368.

[70]Tingley, Structuring of a State, 189; Hutchinson, Lowden, 1: 293-303. For Lowden's concern about alienating Thompson over patronage see Ibid., 1: 304, 308. For the conflict over pacifists in Chicago see Wendt andKogan, Big Bill of Chicago, 149-162; Hutchinson, Lowden, 2: 384, 388; For the reneging over the promise to support Thompson's senatorial hopes see Wendt and Kogan, Big Bill of Chicago, 144. For the incidents in Chicago see Hutchinson, Lowden, 2: 399, 401, 404-405.

[71]Ibid., 2: 386; Chicago Herald, Nov. 8, 1919; Hutchinson, Lowden, 2: 411; For Emmerson's work in Illinois and Thompson's refusal to help see Chicago Tribune, Dec. 28, 1919; Hutchinson, Lowden, 2: 426.

[72]For the prohibition factor see Tingley, Structuring of a State, 256. For the influence of blacks see John Myers Allswang, "The Chicago Negro Voter and the Democratic Consensus: A Case Study, 1918-1936," Journal of the Illinois State Historical Society 60 (Summer 1967): 145-175; Harold Gosnell, Machine Politics: Chicago Model (Chicago: University of Chicago Press, 1937), 44-45; Harold Gosnell, Negro Politicians, The Rise of Negro Politics in Chicago (Chicago: University of Chicago Press, 1935; reprint, Chicago: University of Chicago Press, 1969), 63-92; for Thompson's standing with the blacks see pp. 37-62.

[73]Merriam, Chicago, 95; for a colorful description of Lundin see Wendt and Kogan, Big Bill of Chicago, 81-83.

[74]For Thompson's opposition to Lowden see Ibid., 182; The pay-off scandal involved a payment by Lowden's manager, Illinois Secretary of State, Louis L. Emmerson, of $32,000 to the Lowden manager in Missouri. Of this $17,000 went to Jake Babler, the Republican national committeeman, who in turn had paid $2,500 to each of two uncommitted St.

Louis delegates. See Hutchinson, Lowden, 2: 443-456; Tingley, Structuring of a State, 363; Francis Russell, The Shadow of Blooming Grove: Warren G. Harding and His Time (New York: McGraw Hill Book Co., 1968), 359.

[75]Wendt and Kogan, Big Bill of Chicago, 184.

[76]Len Small to The Republicans of Illinois, "Announcement for candidacy for governor," 23 June 1920. Len Small, Papers, Box 415, Folder 3, Illinois State Historical Library, Springfield.

[77]Hutchinson, Lowden, 2: 445-446, also footnote 45, 445. For Small's announcement see "Len Small to The Republicans of Illinois, Announcement for candidacy for governor," 23 June 1920. Len Small, Papers, Box 415, Folder 3, Illinois State Historical Library, Springfield.

[78]Kankakee County Soil and Crop Improvement Association to Dear Friend, 2 Sept. 1920, Len Small, Papers, Box 415, Folder 3, Illinois State Historical Library, Springfield.

[79]Hutchinson, Lowden, 2: 472; Tingley, Structuring of a State, 366.

[80]Wendt and Kogan, Big Bill of Chicago, 185.

[81]Ibid.

[82]Len Small to Dear Friend, 2 September 1920, Len Small, Papers, Box 415, Folder 3, Illinois State Historical Library, Springfield; Wendt and Kogan, Big Bill of Chicago, 185-86; Hutchinson, Lowden, 2: 473, 475; For Small's letters see p. 474. For Lowden's private remarks see Frank O. Lowden to J. E. Eunne, Portland, Oregon, 15 Sept. 1920, Frank O. Lowden, Papers, University of Chicago, Chicago.

[83]Wendt and Kogan, Big Bill of Chicago, 186-187.

[84]Chicago Tribune, Oct. 20, 1920, 2; Oct. 21, 1920, 4; Oct. 23, 1920, 5; Wendt and Kogan, Big Bill of Chicago, 188.

[85]Tingley,Structuring of a State, 370; Chicago Tribune, Oct. 17, 1920, part 1, 5; Oct. 19, 1920, 2, 12. See also Chicago Tribune, Oct 20, 1920, 2; Oct. 30, 1920, 6; Oct. 27, 1920, 4.

[86]Chicago Tribune, Oct. 18, 1920, 8; Oct 22, 1920, 5, 8.

[87]Hutchinson, Lowden, 2: 481; Wire of Frank O. Lowden to Small, Nov. 2, and Small to Frank O. Lowden, Nov. 9, 1920. Small conferred with Lowden on Nov. 24 and the Lowdens entertained the Smalls at dinner on Dec. 13, 1920.

[88]Hutchinson, Lowden, 2: 481; Tingley, Structuring of a State, 371.

[89]Wendt and Kogan, Big Bill of Chicago, 189.

Chapter 3

Small Indicted

Am I under arrest?[1] —Len Small to Sangamon County Sheriff Henry Mester, August 9, 1921

To incarcerate your governor is a flesh wound. But to break down the institutions founded by our forefathers—that is blood poison.[2] —former Governor Joseph W. Fifer

Thus the shocking spectacle was presented to the state . . .of a powerful element in the Republican party. . . seeking to put in the penitentiary a man whom they had elected to governor. . . .[3] —Edward Dunne

From the inception of this feud until the end of Governor Small's second term of office, he, the governor, had as stormy and tempestuous a time as had any public official in modern times."[4] —Edward Dunne

Political factions opposed to Governor Small seek to build up their power in substitution for the power of the governor. The melancholy thing is that faction fights faction for purposes only remotely if at all concerned with the public interest. Offices, patronage, power, with all that these connote, are prizes for which the factions strive. . . .[5]

The construction of good roads, economically, is of such great importance, I consider it my duty to devote much time and energy to these great problems and let nothing divert me from this foremost of all my duties."[6] —Len Small

Len Small's first administration from 1921 to 1925 sizzled with the heat of factional politics that had flamed up in the previous decade. The flashpoint occurred between Small and Edward Jackson Brundage, the

attorney general, a leader of a rival faction, who won his position in the 1920 election with Governor Lowden's support. Brundage would not submit to the leadership of new governor, nor would he suffer any slights. Instead, using the legal authority of his department, he attempted to destroy Small politically and to damage the Lorimer-Thompson-Lundin machine. The sensational aspects of this fight damaged Small's reputation and contributed significantly to the generally poor image of the Small administration.

Through his association with the Chicago machine and by his own actions as the state treasurer from 1915 to 1917, Small made it easy for his enemies to strike. However, there is no parallel in the history of Illinois governorships to the intense political attack directed against Small by members of his own party. To a larger degree, those fellow-Republicans should share the tarnish that history has fastened so firmly to Small and his administration. The tendency to exaggerate Small's failures came out in 1931, just two years after Small left office, when the careful historian Carroll Hill Wooddy wrote:

> Now followed an administration which for waste, mismanagement, inefficiency, intrigue, manipulation, and downright disregard for the public interest has few parallels in the history of the United States.[7]

Such broad criticism should be tempered by acknowledging the strength of Small's enemies, the hectic circumstances in which Small had to conduct routine business, the powerful influence of the Chicago Tribune, and the rising indignation of reform groups who opposed the boss politics of the era. Moreover, it is misleading to measure boss politicians with a

reformer's yardstick. Small did not become governor because he strove to rise above the sordid aspects of boss politics; he became governor precisely because he embraced boss politics—for better and for worse—and understood that in his time, in his era, that was how elections were won. Successful candidates, who aspired to be re-elected, rewarded their friends and punished their enemies. Wooddy's own conclusion about the case of Frank L. Smith, a political miscreant of the era, could just as easily apply to Small:

> Blame must be laid upon the accepted practices of Illinois politics. . . .
> . . . his career . . . may be taken as an illustration, in its main outlines, of how the game must be played by those who aspire for success. . . . it was in this school that Smith's [and Small's] political conscience had been trained.[8]

As governor, Small reaped the whirlwind of reform criticism. To the extent that machine politics were unacceptable in a democracy, his administration earned some of that condemnation. However, as a man acting within the political realities of his day, Small stands somewhat better than the image of moral turpitude that his critics have constructed. Small successfully won office in the storm-tossed waves of factional politics. He earned re-election in 1924 for his faithful execution of the public interest. He completed a significant road-building program and made other improvements amidst a hostile political environment. Finally, even with the most damaging charge against Small—the indictment for embezzlement—Small's actions, while not spotless, had past practice, reason, and common sense to support them.

Small's trouble began with Edward J. Brundage. Born at Campbell, New York in 1869, educated in Detroit public schools until 1883, and self-supporting at the age of 14, Brundage started work in a railroad office in Detroit and moved to Chicago with the office. He earned a law degree, became a representative, earned the patronage of Fred Busse, and by 1916 won the attorney general position with the support of Governor Frank Lowden.[9]

The Brundage-Small fight of 1921 grew out of the almost continuous struggle between the Chicago Tribune's owner, Medill McCormick, and the Lorimer-Lundin-Thompson machine. On April 19, 1921, the Chicago Tribune filed suit charging Thompson's appointees with a conspiracy to defraud the city of Chicago.[10] Also on June 6, the Lundin-Thompson ticket lost an important judicial election which would have given them control of the South Park Commission that had a $3 million contract for the beautification of the lake shore. Reformers in the Republican party, Republican judges who were not selected by Lundin and Thompson, women reformers, and Democrats sensing victory all came out in large numbers to defeat the Lundin-Thompson candidates.[11] In addition, Thompson and Lundin lost the "five-cent fare" traction bill when they personally journeyed to Springfield, enlisted Small's help, and then were denounced by Otis F. Glenn, the new senator from Murphysboro. Also in the General Assembly Lundin and Thompson unsuccessfully backed Senator John A. Wheeler's bill to change the merit system on civil service in order to remove 2,500

employees and failed to centralize the taxing system under a five-man commission appointed by the governor.[12] Finally, Small's political mentors had waged a bitter fight with Brundage's people over placing enforcement of dry laws into the hands of a prohibition commission appointed by the governor. They lost; Brundage won.[13]

At the end of June 1921, under orders from Fred Lundin, Small used the governor's authority to strike back.[14] Under the guise of saving taxpayers money, Small vetoed $774,000 of appropriations for Brundage's office of attorney general. An outraged Brundage, responded in the newspapers:

> Lundin apparently has succeeded in wrecking the attorney general's office. The shamelessness of such politics is beyond words. . . . The effect will be to leave the state defenseless against much litigation and powerless to enforce the new prohibition law or to collect inheritance taxes. . . .Governor Small has proved himself capable of a narrow partisanship that even his enemies would have believed beneath one holding his office.[15]

The cut wiped out two-thirds of the work force of the attorney general. The Tribune said that $150,000 of the $774,000 was for enforcement of the dry laws. With the veto only two clerks were left in the prohibition department.[16] To add insult to injury, Small charged that the new attorney general was lax in enforcing prohibition. Brundage retorted that there were 4,000 saloons operating under the protection of the political machine that gave Small his orders which would close in fifteen minutes if the machine gave the order.[17] Lawyers from all parts of Illinois volunteered to help Brundage. Thomas Rinaker of Carlinville sent a check for $100 to start

a fund for $150,000 to enforce the prohibition law.[18] The Chicago Tribune also alleged that Small was cutting funds as a way to block a pending investigation by attorney Frederick A. Brown of the Chicago June 6 Judicial election fraud.[19]

However, a point underplayed by Brundage and the Tribune was that Small cut a total of $7,092,012 from the aggregate of appropriations that were about $40 million larger than any previously submitted by a General Assembly.[20] The cuts hit other agencies as hard as the attorney general's. Small prevented waste and, from his perspective, he saved the taxpayers $7 million.[21] Moreover, George M. Miley, a Harrisburg attorney and Brundage critic, supported Small's stance with evidence that Brundage had previously padded the payroll with patronage jobs for some of his lieutenants. Also, Small claimed that Brundage's office still had a large appropriation that was more than the Attorneys General of Pennsylvania, Ohio, Indiana, and Wisconsin. He also charged that Brundage wanted to take the money and build up a personal political machine.[22]

The fight quickly escalated. After consulting several attorneys and politicians hostile to Small, on July 8, 1921 Brundage stretched the bounds of proper political decorum and sought a criminal indictment against an incumbent governor of his own party.[23] Even without proof, Brundage's act hurt Small. He had just enough evidence to make his case

plausible.[24]

Although hoping to damage the entire Thompson-Lundin-Small machine, Brundage narrowed his attack to Small and Lieutenant Governor Fred E. Sterling for mishandling state funds while occupying the office of state treasurer. He gave the evidence to Sangamon County State's Attorney C. Fred Mortimer who went before Judge Ernest S. Smith with a petition to reconvene the grand jury on the following Monday at 1:30 p.m. Mortimer served a subpoena duces tecum on the treasurer for books, papers, records, and documents relating to the interest on public money. He took posession of a safety deposit box in vaults of the local bank which had documents that were important as evidence.[25]

The grand jury investigated actions taken from January 1, 1915 to February 1, 1921 by the treasurers Fred E. Sterling, who was the current lieutenant governor; Len Small, who was the governor; and Andrew Russel, who was the state auditor.[26] The case rested upon the interpretation of the law governing state treasurers and how interest on the money was paid back to the state.

The law had changed. From 1876 until July of 1908 the law only provided that state treasurers receive revenue and "safely keep the same." It became common practice for the treasurer to make loans, as a purely personal venture, from the accounts on daily balance and to retain the interest earned. When Small was treasurer in 1905 and 1906 he followed those practices. However, in 1907, Democrats in the House of

Representatives tried unsuccessfully to investigate his earnings and then changed the law in 1908.[27] During the period of the indictment, the treasurers were subject to the 1908 law which stated:

> That the state treasurer shall deposit all moneys received by him on account of the State within five days after receiving same in such banks in the cities of the State as in the opinion of the treasurer are secure and which shall pay the highest rate of interest to the State for such deposits. The money so deposited shall be placed to the account of the state treasurer. . . .
>
> § 3. . .but the state treasurer shall be, as heretofore, personally responsible for the faithful performance of his duties under the law and for a proper accounting of all moneys paid to him as state treasurer.[28]

With this law it was still possible for the treasurer to deposit money in a private bank owned in part by the state treasurer which had no depositor other than the state of Illinois.[29] That is what Small did. With his old friend, Edward Curtis and Curtis's brother, Vernon, the three deposited state funds in the Curtis brothers' private bank called the Grant Park Bank located in Kankakee County.[30] In the subsequent trials that followed, the legality of this bank became a central question.

By using a private bank, the treasurer was able to profit to the extent of the difference between interest rates which this "bank" earned on regular commercial loans of the State's money and the "call money" rate which it paid into the treasury. It was the practice of state treasurers to deposit and dispose of the money in the state treasury as they pleased, accounting at the end of their two-year term to their successor in office by charging themselves with all of the public money placed in their hands,

crediting themselves with all of the money lawfuly paid out, and paying the successor the balance with two or three percent interest claimed by them to have been earned on money deposited in banks. Until 1919 no question had been raised as the legitimacy and regularity of such accounting. In 1919, however, the 1908 act was repealed and private banks such as the one used by Len Small and the Curtis brothers were not permitted to receive state deposits. The 1919 law required treasurers to turn in all money on state funds and credit to special funds not belonging to the state all interest received on them.[31]

Several facts made Small's actions suspect but not necessarily illegal. First, he delayed turning in $143,000 in interest money until April 23, 1920, several months after the passage of the June 28, 1919 law. Then, he permitted the deposited money in the Grant Park Bank to be loaned out to the meat packing firms of Armour and Company and Swift and Company at six or seven percent interest, but he had only paid back interest at the rate of two percent. He maintained a deposit estimated to be $10 million in the Grant Park Bank during Sterling's term of office. Also Small stayed on in the treasurer's office by appointment from Sterling as an investigator and examiner of securities drawing an annual salary of $6,000. There were no records of the amounts in the Grant Park account. Finally, in March 1920 Edward Curtis died. It was possible that with his death the Grant Park Bank ceased to exist.[32]

On July 9, two days before convening the grand jury, with the

momentum of public opinion on his side, Brundage alleged that Small vetoed the $700,000 in appropriations for the attorney general's office so he and his staff would not be able "to prosecute the criminal case against the governor, his lieutenant, and any others that may be involved."[33]

Fred Sterling responded from Rockford, "I have violated no law that I know of," and said, "I shall be willing to stand on the record made during my term of office."[34] Small denounced the investigation as "schemes of slanders of the character assassins who are the tools of the rich tax dodgers and the traction barons and those who have been prevented by my veto from looting the state treasury."[35] Brundage responded that plans for the investigation of the former treasurers were in progress in January and were not related to Small's veto of funds.[36]

The grand jury investigation began on July 11, 1921 in the old Sangamon County courthouse where Abraham Lincoln practiced law. State Treasurer Edward E. Miller testified about the memoranda he found, about the $10 million in the Grant Park Bank and about the interest paid to the state. According to Miller, Small loaned $10 million to the Grant Park Bank and certificates of deposit were turned in to the treasurer. Then the money was used by the Grant Park Bank to purchase $4.5 million in short term notes of Swift & Co, and $5.5 million of notes of the Armour & Company. The interest rates on those securities was seven percent but the effective rate was closer to eight and one-half percent. When he discovered these accounts, Miller refused to accept the certificates of deposit and

insisted on receiving the securities instead. The state then began receiving the full interest.[37] Next, Assistant State Treasurer Harry C. Luehrs testified about the procedures used in the treasurer's office, about the account in which money was recorded for Grant Park Bank, and about the lack of records on those transactions.[38] Representatives of the packing companies testified about their loans from Grant Park and their arrangements to pay them off. One packer said he paid all his interest to Edward C. Curtis and the other had paid at least five-sixths to Curtis.[39] The state tried to establish that the Grant Park Bank did not exist and used Henry J. Gronewould, clerk of Kankakee County to testify that there was no taxable property for the bank registered after 1897.[40]

If Small had ever suspected that being governor might have its unpleasant moments, the week of July 20, 1921 confirmed it. On the twentieth the Sangamon County grand jury handed down an indictment against him. The next day, almost like an omen, the great grandstand at the Inter-State Fair grounds in Kankakee burned, causing a loss of thousands of dollars to the Fair Association, which Len Small served as secretary-treasurer.[41]

There would be no fair in Kankakee in 1921, but the circus surrounding the governor's indictment would continue. Brundage next announced on July 21 that he might pursue a civil case against Small that could ultimately disqualify Small and his lieutenant governor, Sterling,

and lead to their removal. That fueled embarrassing speculation about special elections and possible successors including former Governor Frank Lowden, or Small's opponent, James Hamilton Lewis, or president pro tem of the Senate, State Senator W. S. Jewell.[42]

Small and his associates were indicted on six counts for embezzling public funds and conspiracy to defraud the state and for an operation of a "confidence game." Small and Sterling and Curtis were charged with embezzlement of $700,000. Small was accused of taking $500,000. Sterling was charged with taking $500,000. The indictments were made before Judge Ernest S. Smith who fixed bonds for Small and Sterling at $150,000 each and those for Curtis at $100,000. He immediately issued warrants for the defendants.[43] The indictment against Small charged that he had in his possession on January 1, 1919 an amount of money unknown and "said Len Small, then and there as such treasurer, did then and there, wickedly, willfully, unlawfully, and feloniously embezzle and fraudulently convert to his own use, steal, take, and carry away the said money then and there belonging to and then and there being the property of the state of Illinois."[44]

The grand jury indictment, the issuance of a warrant for his arrest, and the charge of embezzlement were stunning political blows. In this high-stakes political game, the immediate damage to a standing governor was almost irreparable. Except for two minor precedents that proved to be farcial, Small was the first acting governor indicted on a

charge of abusing a public trust. Governor John Tanner was indicted by a Macoupin County grand jury for being responsible for the Virden riots in 1899. Governor John P. Altgeld was indicted in 1892 by a Champaign County grand jury for failure to cause the flag to be flown above the University of Illinois buildings. Both of these were dropped.[45]

Although many of Small's supporters remained loyal,[46] Small understood the danger and bravely answered the accusation in a speech directing the blame toward his political enemies:

> . . .I am absolutely innocent of any charges which the public may consider brought against me by the grand jury after a one-sided hearing in which personal and political enemies were heard and I had no voice. . . .
>
> . . .They, better than any one else, know I am innocent and that they can never prove the charges, which are simply brought for the purpose of character assassination through the public press of Illinois. . . .
>
> . . . .I have served [the people] to the best of my ability, regardless of consequences, saving them many millions of dollars. I will continue to honestly and faithfully serve them with every particle of strength and ability I possess.[47]

Brundage's answer was confident and self-assured:

> This is not a controversy between Brundage and Small. The question is whether Small committed a crime as state treasurer. A regular grand jury of twenty-three men has said that he did. . . .
>
> The Constitution of Illinois says in plain language that the treasurer shall receive for his services his salary, and that he shall not receive for his own use any fees, perquisites or other compensation. . . .
>
> This action of the Grand Jury in returning indictments is the view it took of the sufficiency of this evidence.[48]

Small next faced the humiliation of arrest.[49] Small consulted his lawyers: Congressman James Graham, a Democrat and former member of

the U.S. Congress from 1909-1915; Joseph W. Fifer, the venerable former Republican governor from 1889-1893, a Bloomington attorney who at the age of eighty-two was elected as a delegate to the Constitutional Convention and was in Springfield at the time; and George B. Gillespie a former member of the attorney general's office.[50] Fifer and Gillespie advised that, as a separate branch of government, the court had no authority to arrest a governor and the proper remedy was impeachment.[51] Small did not show up for court the next day. Instead, George B. Gillespie spoke for him. Gillespie raised the constitutional question and asked that the capiases be withdrawn until argument could be made. Judge Smith declined to withdraw the capiases but agreed to hear argument.

On July 22, Gillespie, Graham, and Fifer argued their case. Gillespie argued that a governor could not submit to arrest without being a traitor to the cause of human liberty and the principle of separation of powers. Graham used the unfortunate phrase "the king can do no wrong," and argued that the arrest would violate Article III of the Constitution which established three separate branches of government and cited the cases of Altgeld and Tanner both of whom defied the authorities to arrest them. He argued that impeachment was the only way to deal with a governor and that, since in the present case it did not apply, there was no remedy in law.[52] Fifer pointed to the seriousness of the event when he said, "To incarcerate your governor is a flesh wound, but to break down the institutions founded by our forefathers—that is blood poison."[53] Judge

Smith was not impressed with the arguments which tried to put Small beyond the authority of the courts. He gave Small three days of grace to surrender and give bond.

Next, Small endured an embarrassing, and at times ridiculous, tight-rope act of trying to avoid arrest, while at the same time preserving some dignity and equanimity with the public. After the court finished on July 22, Small issued a statement saying that he could not submit to arrest. He conferred with Adjutant General Frank S. Dickson about his options for using the national guard. He was told that the guard would have to support the sheriff in the enforcement of the warrants.[54] The next day Small went to Chicago where accompanied by Mayor Thompson, Captain John Naughton of Chief Charles C. Fitzmorris's office and several muscular detectives, he made a speech at Riverview Park denouncing Brundage as a tool of the traction interests and the utilities.[55] Later, in the Great Northern Hotel, he conferred with Fred Lundin, Mayor Thompson and other Chicago allies who also advised him to evade arrest and plotted a way to escape. Small went home to Kankakee and then returned to Springfield with a new attorney, Albert Fink, who had been the attorney for William Lorimer when he was expelled from the United States Senate.[56]

Meanwhile, on the 26th Judge Smith heard the final arguments in which Fifer, Graham and Gillespie once again cited the "king can do no wrong" argument saying that Judge Smith was wrong in his ruling that the governor could be arrested. In a scorching retort, Judge Smith cut both

the legal ground and public sympathy from under the attorneys:

> 'The king can do no wrong,' is an ancient doctrine, but in this republic it never has reached the application that an elected official can do no wrong. . . .
>
> Our governors are not born 'kings.' They are not surrounded by a halo by birth that gives them immunity from the temptations and frailties to which other humans are subject.
>
> . . . .We have in Illinois no such thing as 'the divine right of kings.' . . .
>
> In Illinois the legislature makes the laws and not the king. . .and all know that the executive department has no powers beyond those conferred by and consistent with law.
>
> . . . . The Constitution has exempted senators and representatives from arrest during a session. . . .No similar provision is made for the governor. . . .
>
> . . .The Constitution further provides: 'The party, whether convicted or acquitted, shall, nevertheless, be liable for prosecution, trial, judgment, and punishment according to law.'[57]

With that door slammed closed, Small lurched into another ridiculous predicament. The plot hatched by his legal advisers did not work. He returned to Chicago on the evening of the 26th and announce that he would surrender to the Sangamon County authorities on July 27 in the office of his attorney in Chicago.[58] However, Sheriff Mester was having none of that. He replied by wire that he would not go to Chicago and that the Governor could give bond in Springfield at his convenience. Mester and other Sangamon County authorities divined that, the minute Small was arrested, attorney Fink would rush to a Chicago judge and obtain a writ of habeas corpus. The Governor would be released, and the burden of proof as to the Governor's guilt would rest on Sangamon County authorities. Mortimer would have to present arguments, and, if the judge let the writ stand Small could not be arrested again.[59]

After waiting in seclusion for most of the next day, Small tried to force the issue by an announcement that he wanted an immediate trial but not in Sangamon County where, he claimed, he could not have an honest trial. The only way to avoid such a trial was by habeas corpus or by a change of venue. However, those alternatives would not work until he was actually taken into custody somewhere.[60] Small went to Kankakee for a day and returned to Chicago for another long conference with his advisors from which Fred Ludin was conspicuously absent.[61] Then, partially to make himself available for arrest in any of several counties but, also, to avoid arrest in Sangamon County, Small announced that he was going to make a road inspection in various counties with a view to "pushing contracts for good roads."[62] Sheriff Mester, however, was prepared to wait. "We are in no hurry," he said. "We have until September to produce the Governor in court, and he is sure to come back to Springfield before then."[63]

Much to the delight of political cartoonists, Small started his state tour of roads. He also used the inspection tour to defend himself and to speak against Brundage. While the press chided him for avoiding Springfield, Small contended with the inconvenience of conducting official business from an automobile, of making frequent public speeches, and of developing a new plan to deal with the arrest. On August 7 he returned to Springfield.[64]

Small finally had to submit to the spectacle of being arrested. It

began on August 8, shortly after his return to Springifeld. Sheriff Mester came to Small's office in the Capitol to persuade Small to voluntarily submit to the arrest.[65] Failing to persuade, Sheriff Mester took the historical step of making the first arrest of an acting governor in the history of Illinois. At 5:05 on the afternoon of August 9, accompanied by deputy Ora Lemmon, he arrived at the executive mansion. Once admitted to the library, the sheriff read the warrants to Small, attorney George Gillespie, and others. Gillespie informed the sheriff that Small had a valid bond as required in the warrant and, handing them to the sheriff, said that Small would not have to go with him. Sheriff Mester refused to accept the bond and insisted that Small come with him to the courthouse where there were bonds to sign. Gillespie then tried unsuccessfully to force the bonds on the sheriff. At about 5:15 Sheriff Mester emerged from the mansion followed by Senator John A. Wheeler of Springfield, a close friend of the Governor. Next came deputy Lemmon and, a few paces behind him, the unsmiling Governor. As he put on his hat, Small glanced hurriedly, dejectedly, at the crowd of newspapermen outside and walked briskly to the sheriff's car.[66]

At the courthouse, Small walked through the crowd at the sheriff's office and the rest of his entourage followed. Inside they again argued over the bond offered by Small at the mansion and the sheriff required them to wait until State's Attorney Mortimer approved them. After some wait, Mortimer showed up, looked over the bonds, questioned the need for sureties on the bonds, and then approved them. Small read a

statement. "I give this bond under protest. I do not relinquish any of the rights of the chief executive of the state of Illinois."[67] Followed by his friends, Small, the only Illinois governor ever to be arrested while in office, walked silently through the crowd of reporters and left.

The next day Small's attorneys asked for certified copies of the bond and the three warrants. Mortimer said that the sheriff was not required to give them but said he would attempt to meet Small's attorneys halfway on establishing a change of venue.[68] Then, adding a little more color to the drama, corporate counsel for Chicago, Samuel Ettleson, who was also a public utilities attorney for Samuel Insull, came to Springfield along with Percy B. Coffin, a Lundin-Thompson supporter and Small's newly appointed chairman of the state tax commission. They helped Small prepare a press statement regarding his arrest. Small reiterated the legal reasons for not submitting to arrest and denounced his accusers in this way:

> Contrary to the accepted principles of our government and at the behest of corrupt conspirators, the authority of the people has been prostituted to the purposes of a lawless ring. This ring, comprised of the most vicious elements in Sangamon County, is aided and abetted by commercialized newspapers, such as the Chicago Tribune and Chicago Daily News, Attorney General Edward J. Brundage, and United States Senator Medill McCormick. . . .
> . . .my enemies maliciously staged a spectacular arrest under circumstances intended to humiliate me and disgrace the people of our state. . . .the sheriff. . .forcibly took me from the executive mansion and paraded me through a mob which had been assembled to jeer and insult the Governor. . . .[69]

Small's embarrassments now took a different turn. As Small was arranging a change of venue, on August 23 Fred Sterling paid the state

$391,386.28, the remaining interest of his final report. That amount brought his interest payments to $996,121.85 which was more than double the amount turned in by Small.[70]

After some delay and after some more public sparring over the change of venue, Small's attorneys were able to have the trial moved to Lake County with Judge Claire E. Edwards presiding. The trial was scheduled for October 24 in Waukegan courthouse and Edwards limited the audience to no more than 400 persons.[71]

Meanwhile, just prior to the trial, the Tribune set the stage by promoting news about other "scandals." They published the story of Isidore Levin, Secretary of the Illiniois State Civil Service Commission, who was ousted from his job on September 14, 1921, and who spitefully charged Small's administration with nepotism. Some entries in Levin's "affidavit diary" pointed to Small's employment of his son, Leslie, his son-in-law Inglesh, brothers-in-law Gray and McKinstrey, foster daughter, Miss Schroeder, and possibly his sister, Susanna.[72] On September 18, 1921, the Tribune published an overall summary of "scandals" surrounding the Small-Thompson regime since taking office. It listed various unsettled suits brought against Thompson's machine, the interest suit indictment against Small, the Tribune's own suit against Thompson "building experts," and other charges against Thompson's and Small's administrations including an assertion that Small had tried to control both houses of the legislature.[73] The Tribune also reprinted an editorial,

allegedly taken from the Kankakee Daily News, that was an especially abrasive personal attack on Small.[74] On September 22, the Tribune printed an editorial on Small's appointment of Percy Coffin to the Tax Commission comparing his attempt to control all the taxing in Illinois to the reign of Charles I in England.[75]

In October, Brundage kept the political pot boiling. He announced that even if the trial established criminal responsibility, he would still file civil suits against the former state treasurers to compel restitution of the interest money. He was also going to include the bondsmen who had signed as sureties for the treasurers. All of the treasurers except Sterling had succeeded in removing all of their records so there were no specific sums that could be set up as the amount of interest withheld.[76]

As the trial date approached, Small and his Chicago supporters tried to brighten his image with two major political rallies. They scheduled an Armistice Day celebration to open the new concrete Waukegan-Chicago road with Governor Blaine of Wisconsin to share the platform. However, as the time neared, the Chamber of Commerce at the Lake County seat called off the affair citing the political struggle between the political factions and not wanting to become a "catspaw" between the warring elements. Small had planned to attend, and his people had scattered buttons bearing his picture throughout the county.[77]

The second event, which was more successful, occurred when the French hero of World War I, General Ferdinand Foch, visited the city of

Chicago on November 6. Foch was given a military parade from Union Station to the band shell in Grant Park. The message which Foch brought of peace was overshadowed by the political program which proceeded it. Thompson's and Lundin's people packed the platform with their supporters and the gallary with city-hall cheerers who responded enthusiastically to the complimentary introduction by General Milton J. Foreman of the National Guard that ended with these words:

> And now I am going to introduce to you a man who has made these great highways possible--the man responsible for the great roads that traverse this state from one end to the other.
>
> I am going to present to you Illinois' greatest governor—Governor Len Small.[78]

With a final flurry of announcements, some haggling over which party wanted an early trial, and public speculation over the intention of Small to delay to trial until after the April primaries, the attorneys gathered their last documents and prepared for trial.[79] After Small's attorneys and Small failed to show on November 8, the attorneys met in conference and agreed upon December 5 as the date for technical motions.[80]

With the trial date set, the circus surrounding the indictment of a standing governor ended. All political eyes turned toward Waukegan and the trial of the Governor.

END NOTES

[1] Chicago Tribune, 10 August 1921, 1.

[2]Chicago Tribune, 23 July 1921,1.

[3]Mary Jean Houde and John Klasey, Of the People: A Popular History of Kankakee County (Chicago: The General Printing Co., 1968), 309.

[4]Edward F. Dunne, Illinois, the Heart of the Nation (Chicago: Lewis Publishing Co., 1933) 2 : 404.

[5] Chicago Daily News, Feb. 5, 1926.

[6]Houde and Klasey, Of the People, 310.

[7]Carroll Hill Wooddy, The Case of Frank L. Smith: A Study in Representative Government. Chicago: University of Chicago Press, 1931; reprinted as Politics and People: The Ordeal of Self-Government in America. (New York: Arno Press, New York Times Company, 1974), 159.

[8]Wooddy, The Case of Frank L. Smith., 124.

[9]Dunne, Illinois, the Heart of the Nation, 2 : 479; Louis L. Emmerson, ed. Blue Book of the State of Illinois, 1920-21, Illinois State Journal Co., 1921, 64.

[10] Loyd Wendt and Herman Kogan, Big Bill of Chicago (Indianapolis: Bobbs-Merrill Co., Inc., 1953), 194. The Tribune charged that George F. Harding, Michael J. Faherty and Bill Thompson were involved in a conspiracy with two city building specialists, Frank H. Mesce and Austin J. Lynch to defraud the city of $2,876,063. According to the suit, that sum represented overpayment in fees to these and others for work in connection with the building of the Michigan Avenue Bridge and other projects under Faherty's direction.In 1920 Mesce received $490,499.49 and Lynch received $574,331.46 from the city for services said to have been rendered as building appraisal experts. The Tribune charged that

Thompson vetoed a city council ordinance which would have rescinded the resolutions giving Mesce power to collect the money. Chicago Tribune, 2 July 1921, 6. The trial for this case did not begin until March 2, 1926 even though the charges were made in 1921. On June 29, 1928 the chancellor of the circuit court, Judge Hugo Friend, rendered judgment against Mayor Thompson and two of his cabinet officers, Harding and Faherty for $2,245,604.52. This was reversed on appeal by the State Supreme Court on the ground there was no evidence in the case showing that either Thompson or Harding had been a party to any conspiracy to defraud. Dunne, Illinois: The Heart of the Nation, 2 : 486-489.

[11]Wendt and Kogan, Big Bill of Chicago, 195-196; Chicago Tribune, 22 July 1921, 2.

[12]Ibid., 196-197. For Lundin's and Thompson's failed legislative program see a summary in Chicago Tribune, 26 March 1922, 2.

[13]Donald Fred Tingley, The Structuring of a State: The History of Illinois, 1899-1928 (Urbana: University of Illinois Press, 1980), 372.

[14]Ibid., 197-198.

[15]Chicago Tribune, 1 July 1921, 1.

[16]New York Times, 2 July 1921, 22.

[17]New York Times, 5 July 1921, 26; Small refused to sign the Anti-Saloon League bill appropriating the $150,000 for enforcement. Chicago Daily News, 9 May 1921; Wooddy, The Case of Frank L. Smith, 160; Robert P. Howard, Illinois: A History of the Prairie State (Grand Rapids, Michigan: William B. Eerdman's Publishing Co., 1972), 465-466.

[18]Chicago Tribune, 6 July 1921, 6; Chicago Tribune, 2 July 1921, 22.

[19]Chicago Tribune, 22 July 1921, 2.

[20]That "[was] more probably than the total vetoes of all the previous governors of the state." But the aggregate he started from was nearly $40 million more than the largest aggregate of appropriations of any other General Assembly. Chicago Tribune, 1 July 1921, 1; "His [Small's] veto of appropriations of the Fifty-second General Assembly saved the taxpayers $7,000,00, a sum probably greater than that vetoed by all the governors in the history of Illinois combined." Louis L. Emmerson, ed. Blue Book of the State of Illinois, 1921-1922 (Springfield: Illinois State

Journal Co., 1921), 16.

[21]His other votes cut from the $20 million appropriated for state charitable institutions $2,516,555; from the $10.5 million for the U of I he cut $1.6 million; from the normal school bill of $2,292,851 he cut $760,000; from the Joliet prison bill of $1,374,960 Small cut $634,656; and cut $250,000 for investigation of the oil resources of the state and $58,000 for the immigrant commission. Chicago Tribune, 1 July 1921, 1.

[22]Small's cut was substantial. Comparable appropriations were:

49th General Assembly, 1915-16:	$562,200
50th General Assembly, 1917-18:	$651,450
51st General Assembly, 1919-20:	$780,000
52nd General Assembly, 1921-22:	$306,520

See Biennial Report of the Auditor of Public Accounts to the Governor of Illinois, December 31, 1916 (Springfield: Illinois State Journal Co., 1917), 148; Biennial Report of the Auditor of Public Accounts to the Governor of Illinois, December 27, 1918 (Springfield: Illinois State Journal Co., 1919), 137; Biennial Report of the Auditor of Public Accounts to the Governor of Illinois, November 15, 1920 (Springfield: Illinois State Journal Co., 1921), 143; Biennial Report of the Auditor of Public Accounts to the Governor of Illinois, December 21, 1922 (Springfield: Illinois State Journal Co., 1923), 138. For a comparison to other attorneys general Small had the study done in 1923 when again he sought to cut appropriations for that office. See "Appropriations for various Attorneys General of Various States," Len Small Papers, 1923, Box 403, Folder 7, Illinois State Historical Library, Springfield. In handwritten notes on the back, the study indicated that the attorney general for Illinois was given $6,485,280 compared to Michigan, $3,668,412; Wisconsin, $2,632,067; Texas, $4,663,228; and with a "no" written beside it, Pennsylvania, $8,720,017. George M. Miley to Small, LS, 5 July 1921. Len Small Papers, Box 407, Folder 1, Illinois State Historical Library, Springfield.

Frank Heermans, member of the State Public Utilities Commission reported that the general opinion in Coles County was that Small was a victim of "a political plot." "I found two attorneys," he wrote, "that supported Brundage in the primary severly criticising his position. Letter from Frank Heermans to Small, 8 August 1921, Len Small Papers, Box 407, Folder 1, Illinois State Historical Library, Springfield. New York Times, 5 July 1921, 26. For Small's claim that Brundage's office still had a substantial appropriation see "Small's Speech," Len Small Papers, Box 422, Folder 12, n.d., Illinois State Historical Library, Springfield, 10.

[23]The attorneys were Assistant Attorneys General James H. Wilkerson, C. Fred Mortimer, Clarence Boord, and Albert D. Rodenbergwere. In addition he consulted with Richard M. Sullivan of Springfield, an ardent opponent of Len Small. Chicago Tribune, 9 July 1921, 1; Wiliam H. Stuart, a pro-Thompson writer, indicated that Brundage

went before the Sangamon County Grand Jury "in a county absolutely controlled by Dick Sullivan, anti-Small Republican boss, and secured the indictment of Len Small and Fred Sterling on the charge of embezzlement and other alleged offenses." William H. Stuart, Twenty Incredible Years (Chicago: M. A. Donohue & Co., 1935), 148.

[24]Edward Dunne, governor of Illinois from 1913 to 1917 said of this incident, "Thus the shocking spectacle was presented to the state. . .of a powerful element in the Republican party backed by the State's attorney-general and the most powerful Republican force in the Northwest (the Chicago Tribune) seeking to put in the penitentiary a man whom they had elected governor of the state a short time before." Houde and Klasey, Of the People, 309; John Bright, Hizzoner, Big Bill Thompson: An Idyll of Chicago (New York: J. Cape & H. Smith, 1930), 183-184; Tingley, The Structuring of a State, 372; Dunne, Illinois, the Heart of the Nation, 2 : 404-410.

[25]Chicago Tribune, 9 July 1921, 1.

[26]"Statement of State Treasurer Edward Miller," Chicago Tribune, 10 July 1921, 6 ; New York Times, 10 July 1921, 21.

[27]Chicago Tribune, 24 January 1907.

[28] Illinois, General Assembly, "An Act to Provide for the Deposit of State Moneys by the State Treasurer and for the Payment of Interest on Same, and to Make an Appropriation for the Cost of the State Treasurer's Official Bond and Bond or Bonds of the Employees of his Office," Laws of the State of Illinois, Forty-Fifth General Assembly, Adj. Sess., March 7, 1908 (Springfield: Phillips Brothers, 1908.), 32.

[29]Houde and Klasey, Of the People, 307-309; Neil F. Garvey, The Government and Administration of Illinois, American Commonwealths Series, ed. by W. Brooke Graves (New York: Thomas Y. Crowell Company, 1958), 132-133; Smith-Hurd Illinois Annotated Statutes (1919, June 28, Laws 1919, p. 954, paragraph 1,) p. 179.

The 1908 law was repealed by House Bill 196, approved June 28, 1919. Paragraph 20 of the 1919 act provided:

> The state treasurer shall deposit all moneys received by him on account of the State within five days after receiving the same in such banks of the State as may be authorized to receive such deposits under the terms of this Act. The money so deposited shall be placed to the account of the state treasurer. [Emphasis shows language changed from the 1908 act.]
>
> §2 All interest received or paid on account of money in the

State treasury belonging to or for the use of the State so deposited in banks, shall be the property of the State of illinois. If any moneys held in special funds in the State treasury, not belonging to the State, shall be deposited in banks pursuant to the provisions of this Act, the interest received thereon shall be credited to the special fund so deposited. [Emphasis shows language changed from the 1908 act.]

Paragraphs 20 and 21 clarify that any depository must still pay all the interest to the state and that the "making of a personal profit . . .by the state treasurer out of any public moneys by loaning, depositing, or otherwise . . .shall be deemed a felony. . . ." Illinois, General Assembly, "An Act in Relation to State Moneys", House Bill No. 196, approved June 28, 1919, Laws of the State of Illinois, Fifty-first General Assembly, Regular Session (Springfield: Ilinois State Journal Co., 1919), 954, 958. Private banks such as Grant Park were excluded by this act.

[30]The bank was located in Grant Park of Kankakee County and was started originally by Curtis's father Alonzo. Edward Curtis was made head cashier in 1889. For the Curtis family background see William F. Kenaga and George R. Letourneau, eds, Historical Encyclopedia of Illinois and History of Kankakee County (Chicago: University of Illinois, Middle-West Publishing Co., 1906),2 : 895-896. For Edward Curtis and the bank see, ibid., 2 : 894; Dunne, Illinois, the Heart of the Nation, 2 : 296-297; James A. Rose, Comp., Illinois Blue Book, 1903 (Springfield: Phillips Bros., 1903), 367; James A. Rose, Comp., Illinois Blue Book, 1905 (Springfield: Illinois State Journal Co., 1906), 29, 272, 273, 633; Louis L. Emmerson, ed. Illinois Blue Book, 1919-1920 (Springfield: Illinois State Journal Co., 1919), 210-211; Louis L. Emmerson, ed., Illinois Blue Book, 1921-1922 (Springfield: Illinois State Journal Co., 1921), 232; for Vernon Curtis see ibid., 895.

[31]Houde and Klasey, Of the People, 307-309; Neil F. Garvey, The Government and Administration of Illinois, American Commonwealths Series, ed. by W. Brooke Graves (New York: Thomas Y. Crowell Company, 1958), 132-133; Illinois, General Assembly, "An Act in Relation to State Moneys", House Bill No. 196, approved June 28, 1919, Laws of the State of Illinois, Fifty-first General Assembly, Regular Session (Springfield: Ilinois State Journal Co., 1919), 954-958. See note 29.

[32]Chicago Tribune, 9 July 1921, 1; Howard, Illinois, 466; Edward C. Miller, state treasurer in 1921, found a memorandum showing the sum of $40 milllion represented by meat packer securities drawing 6% interest at the Grant Park Bank while indicating that little more than two percent in interest had been turned over to the treasurer's office. State's Attorney Mortimer said that Miller had five locked boxes in the treasury building and asserted that they contained memoranda which Mr. Miller found in his office when he took charge in January of 1921. Miller make photocopies

of the documents. The evidence went back to the administration of Andrew Russel 1915-1916. Russel had turned over $142,882 in interest; Small, $450,000; Sterling, $604,635 with seven months unaccounted for at the end of his term. Chicago Tribune, 10 July 1921, 1; Somewhat different figures of nearly the same amounts are given in New York Times, 10 July 1921, 21. Testimony of Henry Luehrs in the trial that followed puts these payments more precisely. Small made an interest payment of $306,424,33 on September 30, 1918. He made another payment of $143,585.79 on April 23, 1920. Sterling paid $604,735.57 on June 28, 1920 and a second payment on August 24, 1921 for $391,386.28. "Testimony of Henry Luehrs on recall," Len Small Papers, Box 403, Folder 18, Illinois State Historical Library, Springfield, 274. For Small's employment under Sterling see Chicago Tribune, 2 August 1921, 1; Chicago Tribune, 27 November 1921, 1. A more detailed account of the amount in the Grant Park "safe account" is given in Abstract of Record, Supreme Court of Illinois, June Term, 1925 People v. Small, Curtis, Curtis, Curtis. No. 16660, n.p., n.d. Len Small Papers. Box 406. Illinois State Historical Library. Springfield, 1: 63-75.

[33]Chicago Tribune, 10 July 1921, 6.

[34]Chicago Tribune, 10 July 1921, 6.

[35]Chicato Tribune, 12 July 1921, 1.

[36]Chicago Tribune, 15 July 1921, 15.

[37]Chicago Tribune, 11 July 1921, 3; Chicago Tribune, 12 July 1921, 1.

[38]Details of this testimony are presumed to be similar to that found in the trial records. See testimony of Henry Luehrs, 1922, Len Small Papers, Box 403, Folder 18, Illinois State Historical Library, Springfield, 156-631.

[39]Chicago Tribune, 14 July 1921, 1; Chicago Tribune, 16 July 1921, 3.

[40]Chicago Tribune, 15 July 1921, 15.

[41]The massive 500 foot wooden structure burned quickly and threatened other buildings in the north end of the city. The stand was said to be the largest of its kind in the country. There was no fair in 1921. Houde and Klasey, Of the People, 309.

[42]Brundage could take the case directly to the Supreme Court. If

he won he could then on a quo warranto proceeding challenge the right of the defendants to hold office since they had disqualified themselves for failing to pay over state funds. Chicago Tribune, 22 July 1921, 2.

[43]Average deposits of state money were $10 million. Money was deposited in lots of $500,000 in Grant Park. Then it was used to purchase short-time notes from the two packing companies Armour and Swift. Profits paid to the state treasury were less than two percent per year. On July 10, 1919, during Sterling's administration, the vault fund was debited with $7,977,500 of which $4,977,000 were deposited in approximately 300 banks thorughout the state and $3 million in private banking institutions. The safe fund, where the Grant Park money was recorded, was debited with $18 million. Chicago Tribune, 21 July 1921, 1,2; New York Times, 21 July 1921, 1.

[44]The second, third, and fourth counts merely amplified the currency embezzlement charges. The fifth count charged the defendant with embezzlement of bonds, mortgages, coupons, bank bills, notes, warants, orders funds, and securities. The last count accused Small of converting the securities to his own use. Chicago Tribune, 21 July 1921, 2.

[45]Chicago Tribune, 21 July 1921, 3; 22 July 1921, 1-2, 6.

[46]Small did have some loyal supporters. Charles D. Cary, an official of the Illinois Central Railroad Company wrote favorably to H. B. Hull of the same company expressing his support for Small and his lack of trust for the Brundage group which started the investigation. Charles D. Cary to Len Small, LS, 12 July 1921, Len Small Papers, Box 412, Folder 20, Illinois State Historical Library, Springfield. In another letter after the indictment Cary advised Small to seek counsel from Charles LaForgee of Decatur or Edward C. Craig of Mattoon. Charles D. Cary to Len Small, 21 July 1921, LS, Len Small Papers, Box 412, Folder 20, Illinois State Historical Library, Springfield; James A. Culp, ex chairman of Blue Island and member of the brotherhood of locomotive engineers, wrote: "Your many friends regret you were indicted, but the people will see you get a square deal and hope you come out on top." James A. Culp to Len Small, LS, 20 July 1921, Len Small Papers, Box 411, Folder 13, Illinois State Historical Library, Springfield. Dr. A. C. Boner wrote: "I hope you beat Brundage forty ways from the Jack—as the card players express it when they wish one the best of a proposition." Dr. A. C. Boner to Len Small, LS, 21 July 1921, Len Small Papers, Box 412, Folder 13, Illinois State Historical Library, Springfield. Charles S. Smith wrote: ". . .the attacks of rat hole [sic], tin pot [sic], pin headed [sic], alley politicians wont [sic] disturb the thought and action of the thinking people who are your friends, and they are going to make friends by the thousand for you. No man with red blood can stomach the conspiracy against you." Charles S. Smith to Len Small, LS, Len Small Papers, Box 411, Folder 13, Illinois State Historical Library,

Springfield.

[47]Chicago Tribune, 21 July 1921, 2,3; See also another version of this speech. "These interests discovered that they could neither bribe nor frighten me, and they have joined with their tools the attorney general, the Chicago Tribune and Daily News and Senator McCormick in an attempt to disgrace and destroy me by having me indicted by the grand jury of Sangamon County. They plan to make a horrible example of me in order to deter any other governor of the United States from ever attempting to interfere and stop them from robbing the people. . . .

"I realize that for a governor of a state to stand up against the great interests. . .and stop the plunder. . .is almost like taking one's life in his own hands." Small's speech. Len Small Papers, Box 422, Folder 12, Illinois State Historical Library, Springfield.

[48]Chicago Tribune, 21 July 1921, 1.

[49]Warrants had been rushed to the clerk's office where Clerk Koehn made them out and turned them over to Sheriff Henry Mester. Mester notified George D. Sutton, Small's private secretary and was informed that the Governor would appear at the courthouse at 9 o'clock the next morning. Mester also wired the sheriff of Winnebago County notifying him of the warrant on Lieutenant Governor Sterling and the sheriff of Kankakee County concerning the warrant on Curtis. Chicago Tribune, 21 July 1921, 1.

[50]Both Fifer and Gillespie are in the 1905 Blue Book. Gillespie is pictured as an assistant in the attorney general's office. James A. Rose, Comp., Illinois Blue Book, 1905 (Springfield: Illinois State Journal Co., 1906), 163, 165, 346; Fifer had fought in the Civil War as a private, saw Lincoln, and was taught by John Wesley Powell. A long, personal reminiscence by him is featured in the 1925-26 Blue Book. Louis L. Emmerson, ed., Illinois Blue Book, 1925-1926 (Springfield: Illinois State Journal Co., 1925), 279-310; For Graham see 713,763; Louis L. Emmerson, ed., Illinois Blue Book, 1921-22 (Springfield: Illinois State Journal Co., 1921), 14, 236, 644, 645.

[51]Congressman James M. Graham said: "If I were the Governor I would tear up the indictment. How could the commonwealth be conducted if its chief executive should be thrown into jail and the lieutenant governor with him. It is ridiculous. The governor of the state is immune from arrest. Besides, he is the commander in chief of the state militia." Chicago Tribune, 21 July 1921, 1; Attorneys Dan Schuyler and John G. Drennan, the later the veteran attorney for the Illinois Central Railroad rushed to Springfield. They advised Small to refuse service on the warrants, to call out the National Guard, place Springfield and Sangamon County under martial law, and then bring political boss, Dick Sullivan

before a military court on charges of being the head of a corrupt political machine, completely controlling the judiciary and the law enforcing agencies of Sangamon County, with the consequent meance to the safety of the state and the morals of the people. Small summoned the adjutant general and for a time appeared inclined to follow their advice. But he bowed to the courts. Stuart, Twenty Incredible Years, 149; Graham, Fifer and Gillespie advised Small not to waive the independence of the executive branch arguing that that branch should not yield to the judicial branch. They warned against making the governor subject to prosecution in every county in the state. They said that the proper approach for dealing with gubneratorial misconduct is impeachment. "Opinion of Counsel," Len Small Papers, Box 403, Folders 1 and 2, Illinois State Historical Library, Springfield; Homer Howard, Chairman of the Republican Township Central Committee of Champaign County advised Small to resist arrest. Telegram from Homer B. Howard to Len Small, 22 July 1921, Len Small Papers. Box 411, Folder 6, Illinois State Historical Library, Springfield.

[52]Chicago Tribune, 22 July 1921, 1, 2, 6.; Graham also argued that it would be absurd that the writers of the constitution intended that a governor could be put into jail and then have the power to pardon himself. Judge Smith asked: "Do you mean to say that if the governor of Illinois should go out on the streets in Springfield and commit a murder he could not be arrested and tried for it?" Graham replied, "He could not be touched until after he had served his term as governor."

[53]Chicago Tribune, 23 July 1921, 1.

[54]Chicago Tribune, 23 July 1921, 1; Small's statement reiterated the Gillespie'a argument that a governor could not surrender to another branch of government. Full text is in New York Times, 23 July 1921, 1; Chicago Tribune, 23 July 1921, 2.

[55]Chicago Tribune, 24 July 1921, Sec 1, 2; photographs p. 3. Small was also accompanied by Percy B. Coffin of the Chicago Civil Service Commission, Col. C. R. Miller, an old friend and state director of the Department of Public Works and Buildings, W. H. H. Miller, state director of the Department of Registration and Education, and bodyguards Col. A. F. Lorenzen and C. E. Black of Chicago. He was met at the station by Judge C. H. Jenkins of Springfield, director of the Department of Public Welfare, and state senator John A. Wheeler who drove him to the executive mansion.

[56]Chicago Tribune, 25 July 1921, 1.

[57]Chicago Tribune, 27 July 1921, 2; New York Times, 27 July 1921, 1, 10.

[58]Chicago Tribune, 27 July 1921, 1; New York Times, 27 July 1921, 10.

[59]Chicago Tribune, 28 July 1921, 2.

[60]Chicago Tribune., 28 July 1921, 1; New York Times, 28 July 1921, 2.

[61]According to rumor, Small blamed Lundin for the fiasco of the telegraphic offer to Sheriff Mester to surrender in Chicago which backfired when the Sheriff said he would wait. It made Small look ridiculous and raised questions about his innocence. Chicago Tribune, 29 July 1921, 1.

[62]Chicago Tribune, 29 July 1921, 1.

[63]Chicago Tribune, 29 July 1921, 8.

[64]The motor party included Small, his son, Leslie, his son-in-law, Col. A. E. Inglesh; R. C. Miller, director of public roads and buildings and S. E. Bradt, superintendent of highways. Also Clifford Oder, highway engineer and W. W. Schroeder, a Kankakee attorney affiliated with Small's brother John, and then secretary of the Legislative Reference Bureau. Chicago Tribune, 30 July 1921, 2. In Danville Small denounced the indictment as a plot of big interests and demanded to know why Burndage and State's Attorney Mortimer object to his being arrested in any other county outside Sangamon. "Why doesn't Sheriff Mester arrest me here?" he demanded. He had to stop the tour because of rain and bad road conditions. A dinner was planned for him in Champaign but was abandoned at his request. Chicago Tribune, 3 August 1921, 2, 17; Small received other expressions of support. Ernest B. Tucker, secretary for the Mattoon Daily Journal-Gazette in Coles County, enclosed a clipping from rival community Charleston critical of state treasurers. He then noted that Mattoon and Charleston were in a contest for the site of the "Egyptian trail," a new highway. He said he wanted Small to know that the Charleston people were not so supportive but wanted the highway. He made a reference to Small's resumption of his inspection trip and offered to do what he could to make Small's visit pleasant. He expressed sympathy for Small and denounced the disgraceful way that his prosecutors were bringing "the state of Illinois into disgrace and ridicule." Ernest B. Tucker to Len Small, LS, 10 August 1921, Len Small Papers, Box 411, Folder 12, Illinois State Historical Library, Springfield.

[65]For the transcript of Small's conversation with Sheriff Mester in the governor's office on August 8 see Chicago Tribune, 9 August 1921, 1; New York Times, 9 August 1921, 14.

[66]Transcript of Mester's vigil at the governor's office during the day of the arrest is in Len Small Papers, Box 403, Folder 8, Illinois State Historical Library, Springfield; Transcript of the arrest in the presence of Col. A. E. Inglesh, Vernon S. Curtis, Ernest B. Griffin, Harry Ide, Attorney George B. Gillespie, Attorney werner W. Schroeder, Judge C. H. Jenkins, Roy Ide, Senator John A. Wheeler, and Selma Schroeder, reporting, is in Len Small Papers, Box 403, Folder 8, Illinois State Historical Library, Springfield; A detailed account is given in Chicago Tribune, 10 August 1921, 1; New York Times, 10 August 1921, 1.

[67]Chicago Tribune, 10 August 1921, 2; Those signing the bond were three Springfield politicians of Small's faction. Roy and Harry Ide, owners of Ide's Foundary and Machine shop, manufacturers of electrical devices, and former County Judge Chauncey H. Jenkins, then a state director of public welfare. At the end of the bond was typed the paragraph: "The above bond is given by Len Small, governor of the state of Illinois, under protest that he is not subject to arrest during his continuance in office as governor of said state." Chicago Tribune, 10 August 1921, 2.

[68]Chicago Tribune, 11 August 1921, 1; New York Times, 11 August 1921, 4.

[69]Chicago Tribune, 11 August 1921, 1; New York Times, 11 1921, 4.

[70]Chicago Tribune, 24 August 1921, 1; On September 15, State Treasurer Miller reported on interest earned in 1921. The report showed an aggregate of $493,542.67 from January to the end of August. Chicago Tribune, 16 September 1921, 5.

[71]For the various stages of securing a change of venue see Chicago Tribune, 2 September 1921, 12; 16 September 1921, 5; 17 September 1921, 5; 25 September 1921, 1, 12; 27 September 1921, 5; 28 September 1921, 16; 5 October 1921, 6; 8 October 1921, 2; 10 October 1921, 15; 11 October 1921, 1; 12 October 1921, 1; New York Times, 17 September 1921, 1; 23 September 1921, 31; 6 October 1921, 5; 12 October 1921, 16. Lake County is a short distance from Chicago. Fred Lundin lived in the county. However it was in Brundage's and several of his friends' congressional district, and they were said to control the politics there. It included the suburbs of Highland Park, Ravinia, Lake Forest, and Skokie as well as farm establishments of Harold McCormick, Samuel Insull, and others. Judge Edwards was appointed by Governor Dunne to fill the term of Judge Donelly and was elected for a full term. Chicago Tribune, 12 October 1921, 1-2.

[72]Chicago Tribune, 16 September 1921,1; 17 September 1921, 5; 19 September 1921, 7; 24 September 1921, 5; Levin was shortly thereafter

arrested for improper use of mail and on a federal warrant charging him with sending libelous and scurrilous matter through the mails. He wrote across one of his own letters the words "Law breaking is Small's pastime." Chicago Tribune, 28 September 1921, 16. The General Assembly created the Department of Purchases and Small appointed his son, Leslie, director. His son-in-law, A. E. Inglesh was the administrative auditor of the Department of Finance. C. R. Miller, a fellow-trustee for the Kankakee Hospital, and head cashier in Small's First Trust and Savings Bank at Kankakee was appointed Director of the Department of Public Works and Buildings. See Tingley, The Structuring of a State, 372.

[73]Chicago Tribune, 18 September 1921, 1.

[74]Chicago Tribune, 13 August 1921, 4.

[75]Chicago Tribune, 22 September 1921, 8.

[76]Chicago Tribune, 14 October 1921, 9; New York Times, 14 October 1921, 36.

[77]Chicago Tribune, 16 October 1921, 1; Chicago Tribune, 5 November 1921, Sec. 1, 8.

[78]Chicago Tribune, 6 November 1921, 1,2.

[79]Chicago Tribune, 15 October 1921, 5; 16 October 1921, 5; 3 November 1921, 1; 4 November 1921, 1.

[80]Chicago Tribune, 8 November 1921, 21. New York Times, 8 November 1921, 11 said that Small faced a new arrest for embezzlement when he and his attorneys failed to show. The conference among State's Attorney Mortimer and Mr. Pree of Sangamon County who came to Chicago and Small's attorneys, Charles C. LaForgee,Werner Schroeder of Kankakee, and A. F. Beaubein of Waukegan, is described in Chicago Tribune, 11 November 1921, 9. State's attorneys wanted quick action on the trial. They asked for a trial date of December 28. New York Times, 13 November 1921, sec. 2, 1.

Chapter 4

Small on Trial

> The question in the beginning and until there has been a trial is: Was $10,000,000 of state money deposited in a fictious bank and what became of the interest? —Edward J. Brundage

> They hope, of course, to throw all the filthy mud that slimy fingers may pick from dirty gutters to blacken my character, and by continuous prosecution, misrepresentation, and falsification, prevent me if possible during my entire term of office from performing the important duties of the office of governor.[1] —Len Small

> Your friends are stronger friends than ever and a tremendous wave of public sentiment has swept your way. —Dr. Charles Virden to Len Small, 1 January 1922.[2]

> If the end brings me out right, what is said against me will not amount to anything. If the end brings me out wrong, ten angels swearing I was right would make no difference.[3] —Len Small in his second inauguaral address quoting Abraham Lincoln.

In courtroom trials the accused is innocent until proven guilty; in political trials, the accused politician is guilty in the public eye until he can prove himself innocent. Unfortunately for the politician, an impatient public may not reserve judgment until the courts sort through the abstruse technicalities that make him legally innocent. To the public, the appearance of evil is enough. In 1922, when Attorney General Edward J. Brundage brought an indictment against Governor Len Small and had him arrested, he succeeded in creating the appearance of evil. From then until 1927, while coping with political mudslinging and performing his

gubernatorial duties, Len Small defended himself in both a criminal trial and a civil suit for actions that he took as state treasurer from 1917 to 1919. In his defense, Small contended that he protected the State's money while avoiding personal bankruptcy; but the prosecution charged that he used the State's money for his personal profit. Both parties pointed to the same evidence to prove their case. In addition, the law regulating treasurers changed in 1921 to prohibit specifically those very actions taken by Small and his friends. As a consequence, in the high-visibility, politically inspired prosecution of the Governor, the legal establishment had difficulty reaching consensus on the meaning of the evidence. Small was unable to completely remove the cloud of suspicion which hung constantly over his actions for most of his two terms in office. The contradictory results of the trials contributed unjustly to the generally low regard with which Small's administration has been held.

In 1921, Edward J. Brundage was impatient to punish Small politically and legally. Through the Sangamon County officials, he had already succeeded in indicting and arresting an acting governor and had him scheduled for criminal trial on December 5, 1921. Then, on November 27, 1921, just days ahead of the opening of the criminal trial, with statewide public announcements, Brundage amplified the scandal by bringing a civil suit against Small and four other former state treasurers for the collection of interest money. Of these five men, three were still officers in government: Len Small was governor; Fred Sterling was lieutenant governor; and Andrew Russel was state auditor. The others were Edward

E. Mitchell, who was elected in 1910, and William Ryan, Jr., a Democrat elected in 1912.[4] In his announcement Brundage gave the public the-still-unverified details of Small's actions as treasurer. While demanding that the former treasurers produce records and account for the interest earned on the state money, Brundage outlined in a bill of particulars for the Chancery Court in Sangamon County how he thought Small entered into a plan with his friends, Edward C. Curtis and Vernon S. Curtis, and, later, with Treasurer Fred Sterling, to purchase packer's notes with about $10 million of state money for his personal benefit.[5]

Small's attorneys also tried to pre-condition the criminal trial with their own announcements. They announced that the indictment papers from the Sangamon County Grand Jury were flawed, that the indictment did not allege that Small ever received state money, that the grand jury itself was improperly assembled, and that the indictment was "in violation of the constitution and statutes, intended only to create an unfair and unwarranted prejudice against the Governor. . ."[6] In addition they leaked the story that one of the members of the grand jury may have tried a blackmail scheme to obtain state jobs and voted against Small because it did not work.[7]

The trial spectacle began on December 5, 1921. Small drove to Waukegan from Fred Lundin's farm at Lake Villa on the evening of the fourth accompanied by Miss Selma Schroeder. She was his assistant secretary and sister to Werner W. Schroeder, his counsel from Kankakee.

He stayed at his headquarters in the Salvation Army Hotel that evening and walked to the courthouse the next morning.[8] A huge American flag hung from the courtroom ceiling immediately above Judge Edward's head. Small's son, Leslie, and Vernon Curtis, co-defendant, sat on the lawyers' bench just inside the railing. There were many photographers, and the Judge had to stop the proceedings twice to get pictures.[9] On the other side of the room, the State's attorneys prepared. They included Lake County State's Attorney Colonel A. V. Smith, a World War I officer, and James H. Wilkerson, the chief trial lawyer for the prosecution, a former United States district attorney, former assistant attorney general under Brundage, and former chairman of the Illinois Utilities Commission under Governor Lowden. He represented the anti-Small interests from Chicago. C. Fred Mortimer was assisting from Sangamon County. For the defense, Small had the brilliant Charles C. Le Forgee of Decatur, kinsman of the former Lieutenant Governor John G. Oglesby. He also had Howard Doyle, a United States district attorney of the southern district, who acted as Le Forgee's young aide, and Werner Schroeder of Kankakee, Small's protégé and personal attorney.[10]

Schroeder and Le Forgee opened the case for the defense by citing mistakes made in the records from the board of supervisors. Schroeder formally filed motions to quash the indictment. Le Forgee argued that because the Sangamon County Grand Jury had sent out a special return on the indictment of Small all over the state with 12,000 copies sent to Lake

County, Small could not get a fair trial in Illinois. He also successfully argued that the confidence game count should be dropped because it failed to contain the word "feloniously." He emphasized the "insidious influence of politics" and the "sanctity of the grand jury."[11]

The motions were over on December 8. On December 30 Judge Claire C. Edwards delivered his opinion that Small would have to stand trial on nine counts, but he quashed four other counts. Because of the numerical order in which the indictments were arranged, Judge Edwards said that Small would have to be tried on the embezzlement charge first. Mortimer objected because he wanted to try the conspiracy charge first. When Judge Edwards would not change his mind, Mortimer made a motion to nolle prosequi, or not prosecute, the embezzlement count, thereby removing that charge against Small. Both Small and Le Forgee objected to the procedure on the grounds that it was underhanded and beyond their "understanding of fair play and honest prosecution" to publicly indict the Governor for embezzlement and then not let the people know whether or not he was guilty.[12]

Both factions were concerned about the impact of the trial on the primary elections on April 11, 1922. Brundage's faction wanted to start the trial early and use the publicity to defeat Small's and Thompson's supporters. The Republican factions fought for control over the county offices in Cook County, the General Assembly in Springfield, and the State Republican Committee. In a series of clever legal moves, with the

fortuitious intervention of some illnesses, and by claiming that the Governor needed to attend to the road building program, Small's attorneys were able to prevent the case from coming to trial before the primary elections on April 11, 1922.[13]

Brundage was angry about the successful delay and used the occasion to blast Small in the press and in a formal speech given on March 11, 1922 before 1,200 Republicans in the Hotel Morrison. He said Small was trying to keep people from learning before the primaries the full force of the evidence which proved the profiteering with their money. He also charged that Small would use the time to campaign for a hand-picked state legislature in order to avoid a move to impeach him.[14] Brundage and the Chicago Tribune continued to build upon that theme during the campaign.[15]

Brundage's attack was only a small part of another round of Republican factional fireworks in the spring of 1922. The Legislative Voters' League's Executive Committee Report in January attacked the Small-Thompson legislative record. Citing the unsuccessful Thompson bills and the revolt of the Republican party legislators in June of 1921, the report called the session a "step backward compared to previous sessions."[16]

The Brundage faction and the Tribune criticized Small's road building program from three different angles. First, they claimed with justification that he had not saved the taxpayers as much on cement

contracts as he claimed. Secondly, citing his various "road speeches," they charged that the Governor was not really building roads but was trying to elect his friends and to create a pro-Small-Thompson legislature. Finally, they claimed, unfairly at the time, that Small was afraid of an impeachment and needed a General Assembly that would not remove him from office. For his part, in his March 1, 1922 Pana speech and the subsequent speeches that followed, Small did solicit support for favorable candidates, as any governor would, and he blasted Brundage and the Tribune in very strong terms.[17]

Other issues that kept tongues clucking during the drama of the primary campaign were Thompson's trouble with indictments against the Chicago school board members; Fred Lundin's apparent removal from Thompson's good graces; the difficulty that the State was having in obtaining bank records from the banks involved in Small's trial; a revelation by State Representative Earl B. Searcy that much of the savings claimed by Small in his veto session had been removed by last-minute, questionable vouchers that took another $1.8 million out of the treasury for state projects; Thompson's dropping of a libel suit against John G. Oglesby, former lieutenant governor; reports on the progress of Thompson's libel suit against the Tribune; reports on the progress of the Tribune's taxpayer suit against Frank Mesce, Austin J. Lynch, Thompson, and Thompson's friends for charging excessive fees; and a scandal involving Small's appointee William Henry Harrison Miller, a Champaign physician, who in

the position of director of the Department of Registration and Education, was discovered selling copies of exams ahead of time to applicants for physicians' and pharmacists' licenses.[18] Finally, on April 1, 1922, just days ahead of the primary elections, former Democratic Governor Edward Dunne, speaking before 500 party workers in the Tiger room of Hotel Sherman, said:

> The Republicans are in a factional contest without precedent for bitterness.
>
> We have had fights in the Democratic party and we have sometimes spoken about each other in harsh terms, but this is the first time I have ever heard political opponents calling each other rogues, burglars, embezzlers, thieves, and all other names in the criminal category.
>
> It is Republicans, however, who are doing it, and it seems to me the people may conclude they are telling truths about each other.[19]

The Small-Thompson-Lundin machine lost in the April 11 Republican primaries. Most candidates carrying Small's flag were defeated, including Small's personal friends Senator Meents in Kankakee and Senator John A. Wheeler. Small and Thompson also lost control over the State Republican Committee.[20]

When the primary was over, Len Small went back to trial on April 17, 1922. The testimony from both trials revealed that Small's predicament as treasurer had its roots in the traditions of the office and in the 1908 law which regulated it. By tradition, the state treasurers did not itemize interest accounts except in their personal records which were not public records. At the end of the term, these records were sent to the outgoing treasurer's home and were eventually destroyed. To report interest earned,

the treasurer simply waited until the end of his term, took an order from the auditor to enter the interest, lump sum, into the treasury and made his final report to the governor usually several months after the new treasurer took over. Small followed this tradition, including, unfortunately, destroying his records after they seemed to be of no further use.

The law of 1908 also posed problems. It required Small to deposit any revenue he received in the treasury within five days in an Illinois bank at the "highest interest." In 1917 there were three types of banks: national, state, and private. The bank selected had to be, "in the opinion of the Treasurer," secure, and the Treasurer was held "personally responsible" for the money. The Treasurer had to give bond with signed sureties promising to repay the State for any money which might be lost during his term, and, should any money be lost or any of the banks fail, he would be personally liable for the loss.[21]

Small already knew about the security problem from his previous experience as treasurer in 1905 when the Chicago National Bank failed. Fortunately, in that case, he had taken the state funds out of the bank just ahead of that financial disaster. However, when the Auditor called him the next day after the failure and asked whether Small was ruined, Small realized that he could have been personally bankrupt and so would have been the twenty-five or thirty bondsmen, personal friends, who signed for him.[22]

In 1918, the second year of Small's term, money poured into his

office. The rapid influx was caused by rigid war-time economies, governmental reforms, more efficient tax collection, and a rising general prosperity.[23] Since state law limited state banks to fifteen percent of their capital in making loans and limited the national banks to ten percent, downstate banks were very restricted in dealing with the large fluctuations in treasury money. Also, Small insisted upon collateral consisting of municipal or government bonds or commercial paper which could be readily turned into cash. Practically no downstate banks carried that kind of collateral in sufficient quantities and could not afford to purchase collateral for that purpose unless they knew that the deposit would remain with them for a considerable length of time.[24] Even the large banks in Chicago would not give collateral or an indemnifying bond.[25]

How did Small deal with the legal requirement to deposit revenue to the State within five days in a bank which was in his opinion secure? Although there were three kinds of banks in which to place the money, the critical factor was not the type of bank but the security of the collateral which would keep Small and his bondsmen out of bankruptcy. Small consulted his brother, John Small, an attorney and judge, about the problem of collateral. His brother said there was some question whether under the law state or national banks could give preference to a depositor, but a private bank could.[26] Small then took the problem to Edward C. Curtis, his personal friend and business associate, who was also an expert in finances.[27]

Small openly testified about his conversation with Curtis concerning the security and deposit problem:

> . . .he finally told me that if I wanted him to do it and wanted to deposit the money in his private bank that he would undertake to take care of those funds which I could not deposit definitely, permanently, and would buy such collateral as I would indicate and pay a reasonable rate of interest on the money.[28]

Small then followed the arrangement made by Curtis. He created a new fund at the treasurer's office which he called a "safe fund" to make deposits to Curtis's private bank, the Grant Park Bank. Curtis had to put up his personal securities as collateral for that fund. Small maintained the "vault fund" for deposits in the two hundred fifty to three hundred other banks in the state that took state money. Small had the treasury draw a check for the Grant Park Bank, had the check delivered to or sent to the bank, and received in return certificates of deposit from the bank. To secure the certificates of deposit, Curtis brought to Small a high-quality collateral.[29] Small usually stored most of the collateral in the Chicago office of the state treasurer, very little in Springfield, and some in his bank in Kankakee. He kept track of the transactions in his personal ledger in his Kankakee bank.[30]

The collateral was mostly debentures from Armour and Company and Swift and Company and others that came to be called "packer's notes." When the treasury needed money to meet government expenses, Small took the necessary notes to Curtis who went out and brought in the money and deposited it into the checking accounts of the state treasurer in the Fort

Dearborn National Bank or the Continental National bank.[31] At the end of his term, Small made two payments of interest. The first was about September 30, 1918 and was something over $306,000. The second was on April 23, 1920 for something over $143,000. The reason for the delay in the second payment was the custom of the office and of all his predecessors to turn in the interest with the biennial report made to the governor. Also Small did not know until January 1920 what amount might be deducted from the interest that he had to pay to the federal government for funds in connection with the Vocational Education Fund.[32] The trial testimony showed that, of the money sent to the Grant Park Bank during the terms of Small and Sterling, the principal was paid in full and about two percent interest as well.[33]

On his side of the transaction, Edward C. Curtis took the draft from the state treasurer's office made out to Grant Park Bank to the Fort Dearborn National Bank in Chicago, obtained a cashier's check there, went to the Live Stock Exchange National Bank, and purchased "packer notes" from Armour, Swift, and others. He usually received a discount on this transaction, which he took in the form of a check and kept as his personal profit. Then he delivered the securities to Small.[34]

The State's attorneys argued in both trials that the money which went to the "ficticious" Grant Park Bank remained the property of the State. Therefore, the five to seven percent interest earned on the "packer's notes" belonged to the State. According to their accounting, the $700,000 in interest

paid by Small and Sterling fell short of the $2 million that had been earned. In addition, although the evidence was complicated and controversial, they attempted to show that Small had personally received some of the interest money which he, Edward C. Curtis, and a future governor, Louis Emmerson, used to purchase stock in the Ridgely-Farmers' Bank in Springfield.[35]

Unfortunately, Small did not have a clean case. The creation of the "safe fund," the use of a purely private bank in such a small community as Grant Park, the large amounts of money involved, the lack of specific records, and the personal relationship among the defendants, as facts taken together, clouded the case with a miasma of doubt.

An important issue was the bona fide existence of the Grant Park Bank.[36] The State contended it was a mere device to enable the conspirators to use state money for a profit. The State produced twenty-two witnesses to show that people who lived in Grant Park were not aware there was such a bank. Another witness said that even though banking supplies had been ordered with the name "Grant Park Bank" the bill was sent to the Curtis Trust and Savings Bank. Other witnesses indicated that when payments were made on the securities, instead of going back through the Grant Park Bank, they went directly to the state treasurer's account without reference to the bank.[37]

On the other hand, there was considerable evidence to show that the Grant Park Bank did exist. Harry C. Luehrs, a seventeen-year

employee in the state treasurer's office, testified that the state treasurer's office had issued drafts to a bank called the Grant Park Bank. He saw the bank stamps on the various drafts after they came back to the office. He said that every dollar represented by certificates of deposit from the Grant Park Bank was paid in full together with $700,000 in interest. He also stated that "in making deposits we depended exclusively upon the character of their collateral. That was true of all banks in which deposits were made." He stated that, when Sterling retired the Grant Park Bank certificates of deposits, there was collateral for the entire amount. He also verified that there were several other private banks used during the time that the Grant Park Bank was used for deposits.[38] In his opening address to the court on May 12, 1922, Le Forgee pointed out ways that the Grant Park Bank qualified to be a bank using the State's own pleading. These included the fact it had a name, that it had a place of business, that it sent out certificates of deposit, that it paid interest on those deposits, that it was listed with other banks, and that it was treated as a bank by other banks.[39]

The jury in the Waukegan criminal trial never resolved this debatable issue. Indeed, later, when the Illinois Supreme Court ruled on the issue, there was still a divided opinion.[40] The majority ruled that the bank was a mere temporary device to obtain state money. However, in his dissenting opinion, Justice Oscar E. Heard said that in 1917 the state had established no particular requirements for a private bank. It only had to demonstrate that it operated as a bank. The Grant Park Bank met that

standard. "It received deposits aggregating millions of dollars, issued certificates of deposit therefor, made loans, discounted bills, made collections, and in general did all those things that a private bank was authorized to do." He cited other evidence to show that the bank was regarded as a reliable and trustworthy institution.[41]

The State also produced contradictory results when it tried to show that Small had personally received interest money and used it to purchase stock in the reorganized Ridgely-Farmers' Bank in Springfield. In the criminal trial in Waukegan, employees in the treasury department, employees of various banks involved in the transactions, and expert accountants testified about the various complicated transactions involved and tried to trace them from beginning to end.[42] Although the jury verdict went against the State's interpretation of the evidence, later, in the civil trial, the Supreme Court was divided over the matter.[43] The majority of the Court said that the evidence tended to show the connection, but, in his dissenting opinion, Justice Warren W. Duncan showed that Small loaned the Curtises $60,000 out of his personal account for the controversial Armour & Company note. Also, Small testified positively of his payment for these debentures out of his own private funds. There was no contradictory evidence. Duncan wrote:

> The contention of the State that Small paid for these debentures out of State funds is based on surmise and conjecture. The record does not even furnish a shadow of evidence that the Curtises were in a conspiracy with Small to defraud the State in these transactions, and we cannot accept the bare assertion of the State that Small was guilty of defrauding the State thereby.[44]

The criminal trial in Waukegan ended in June of 1922. Surprisingly, Le Forgee did not dispute much of the State's evidence and introduced only a few documents to support the claim that Grant Park Bank had conducted banking business. He claimed that the State's evidence itself showed that Small had acted properly toward his responsibility as treasurer. In closing arguments, the prosecutors emphasized the fact that the defense had introduced so little evidence; they reviewed the crime of conspiracy; they claimed that the defendants had withdrawn and used over $62 million of the State's money and had pocketed over $1.5 million for themselves. They asked for a guilty verdict.[45] Small's attorneys reminded the jurors that the State had to show that someone relied on the false pretenses of a conspiracy, that the evidence showed that Grant Park Bank was a bank, that the crucial issue was not the nature of the bank but the security of the collateral; that Small was personally responsible for the security of the State's money; and that the method he chose to protect that money had not only returned every dollar to the State but $700,000 in interest besides. Le Forgee reminded them about reasonable doubt and the presumption of innocence and closed with a touching tribute to the departed Edward C. Curtis.[46]

When the arguments ended, the decision went to the jury on June 24, 1922. In those moments, Len Small, who had held several responsible positions in government; who had been accountable for millions of dollars of state funds; who worked his way up from the hard chores of a dairy farm

and plant nursery to the ownership of a bank, a newspaper, and a large, successful farm; who had achieved the high office of governor of the state of Illinois; who had to worry over the business of the state, including the violence in the southern Illinois coal miners's strike on the very day that final arguments were being made; and who deliberately rested his case largely on the evidence that his opponents brought into court; then sat passively surrounded by his family and a large crowd while twelve ordinary men decided his fate. After only an hour and a half, from 2 o'clock until 3:38, the jurors returned with their verdict. Everyone listened in anxious silence as the foreman answered, "We, the jury, find the defendant, Len Small, not guilty."

Pandamonium erupted in the crowded courtroom, as the Governor's friends rushed forward to congratulate him. Then the crowd, including the Governor and his family, surged toward the jury, happily and occasionally tearfully, shaking hands and thanking them for the verdict. Attorneys for the State, C. F. Mortimer and those with him sat silently during the demonstration, then quietly rose, and left. In response to reporters, the jurors explained that it only took two votes to decide that Small was innocent. Juror George Martin said, "The prosecution said that they would trace the money right into the pockets of Small, and they didn't do it."[47]

Miss Selma Schroeder, sister of Werner W. Schroeder, Small's attorney, distributed copies of a typewritten statement by the Governor. It

said:

> The verdict of 'Not guilty' is a result I was always sure would follow . . . . It should be borne in mind that I was indicted July 20, 1921 and continuously from that time until the present hour my services to the state of Illinois as the chief executive have been hampered and at times well nigh destroyed during this litigation.
>
> I was particularly desirous that the people of the state of Illinois should know fully and in detail each and every transaction which was in the hands of person who inspired this prosecution and that those facts be elicited before a jury of twelve men who would decide upon my guilt under them.
>
> The people of Illinois have their answer. . . .[48]

Small was a free man. He had triumphed over his enemies. However, the planned victory celebration before his friends and neighbors at his home in Kankakee that Saturday night was chilled by the sudden death of Mrs. Small. The people of Kankakee warmly greeted the Governor and his family with elaborate preparations of Japanese lanterns festooned with flowers, large banners, and signs of support. A large crowd came to greet him at his home and expressed their congratulations until late into the evening. Just as the last of the crowd was leaving, Mrs. Small swayed against the Governor's shoulder and said her last words, "Oh, I'm so faint." Never regaining consciousness, she died at about 8 o'clock the next morning, only two days after the trial. Governor Small was heartbroken and near collapse from grief. "It is a terrible price to pay," Small said. Corporate Counsel of Chicago Samuel A. Ettelson said that the charges made against Small and ordeal of the trial led to Mrs. Small's death. He said that politics were behind the prosecution of the Governor and that politics were therefore responsible for Mrs. Small's death. Many sent expressions of sympathy, including Edward J. Brundage.[49]

Small's victory in the criminal trial brought only a temporary respite from the harrassment of his factional enemies. Brundage pushed the civil suit against Small through the various stages of the chancery courts.[50] Within a few months, Small's enemies launched a grand jury investigation in Lake County, charging that the jury which acquitted him had been "fixed." The story emerged that solicitors hired by Small's supporters had circulated pictures of President Harding and Len Small. The solicitors then carefully recorded the reaction of the public to the pictures and thereby gained knowledge of what people might be sympathetic to Small.[51] Three individuals investigated were John B. Fields, Eddie Courtney and Eddie Kaufman. Four members of the jury had been given state jobs after the Small trial was over.[52] However, after much publicity; after the sentencing of Michael Boyle, a Chicago labor leader, and Ben Newmark, a Chicago detective, for refusing to testify; after Small pardoned those two; and after more biting editorials from the Tribune; the trial about jury tampering ended with another "not guilty" verdict. While that verdict legally verified that Small had been properly acquitted, it did not quite wipe the slate clean from the public innuendo of corruption.[53]

Meanwhile, in 1924 Small won a very gratifying re-election as governor in a contest against Democratic opponent Norman L. Jones, who was a judge in the appellate court and had actually ruled on a part of the civil suit against Small.[54] In that same election, Edward Brundage was

defeated by Oscar E. Carlstrom for attorney general. However, on December 16, 1925 Small endured more humiliation from the civil suit which, by then, had reached the Illinois Supreme Court. Ruling against Small, the court made a controversial decision, affirming the decree of the lower court that Len Small and the other defendants were jointly and separately accountable for:

> . . .all money received by or paid to Small, Edward C. Curtis and Verne S. Curtis,. . . as discount or interest on funds of the State of Illinois loaned by Small during his term as state treasurer through the Curtises or the Grant Park Bank to Armour & Co., Swift & Co., and other persons and corporations.[55]

This seriously flawed and politically damaging decision appeared to reverse the previous criminal decision and suggested, once again, that Small had acted improperly. Justices Warren W. Duncan and Oscar E. Heard wrote strong dissents.[56]

While several aspects of the Court's decision could be questioned, the majority made three critical rulings which turned the case and public opinion against Small. First, the Court accepted the lower court's ruling that the 1908 statute was unconstitutional but then ignored its significance. The Court said that the "constitutional questions presented would not in any way affect the decision of this case."[57]

Justice Duncan disagreed. He first indicated where the record showed "without question" that the 1908 law had been declared unconstitutional and that the State attorneys had not challenged that ruling. Then he wrote, "We think the court is undoubtedly in error as to the

legal effect of its decision as to the validity of said statute."[58] He explained why this issue was significant:

> It being the law of this case that the statute of 1908 is void, there is no provision in our constitution or in our statutes that required the State Treasurer to loan the public funds in his charge and no direction as to where he should keep or deposit them. . . .
> . . .The constitution and the statute leave it solely at the discretion of the Treasurer as to where he shall deposit and keep public funds. There is no duty placed upon the Treasurer to loan public funds in his custody. It is not even contemplated by the constitution or the statute that the State Treasurer has any such duty as the loaning of public funds. His duty is to receive the funds . . . keep the same and pay them out according to law. . . .[59]

After showing that the Court had no right to hold the destruction of records against Small, as they did in their opinion, Duncan reminded the Court that the constitution made the Treasurer the absolute insurer of the money entrusted to him and liable for any loss. He added:

> . . . the State Treasurer may loan or not loan the public money in his charge, as he pleases, and he may loan it to whom he pleases. He is not required to loan it to a bank or banks but may do so, and he may also loan it to any individual or indivduals in this State, no matter what their business, their calling or their standing. The risk is his, and the State is not interested as to the character of the borrower or the character of security the Treasurer requires.[60]

According to Duncan's theory, Small's transactions with the Curtises were proper deposits of the state money in exactly the same way as other deposits. The fact that Small followed the accepted procedure used by all of his predecessors in turning over the principal and the interest thereon is sufficient to show that he had adequately performed his duty. Moreover, Small demonstrated his prudence by securing the state money with the best collateral available.[61]

In the second critical ruling, the Court said that Small's acquittal

in the criminal trial would not stop the State from recovering in the civil case. The Court acknowledged that such an event would normally stop the State but then went on to say, " as a general rule this principle is not applicable where it is sought to use a judgment in a criminal prosecution to bar a subsequent civil suit arising from the same transaction." They also cited a section of the Criminal Code which said that nothing in the act would prevent injured parties from maintaining a civil suit for damages arising out of a criminal offense.[62]

Judge Duncan demolished the Court's argument. He cited the case of Hanna v. Read, 102 Ill. 596, which distinguished between the doctrine of res judicata and estoppel by verdict. Duncan showed that the doctrine of res judicata did not apply to Small's case, but the doctrine of estoppel by verdict did. By that doctrine, when identical issues were raised, the decision in the first case acts as a bar against raising the same issue in the subsequent case. Since Small was declared innocent on the conspiracy charge in the criminal court, the State should not have been allowed to raise that charge against him in the civil suit. He should not therefore be held jointly liable with the Curtis brothers. On this issue, Duncan wrote:

> We assert that the opinion of the majority of the court is clearly wrong on that question. The cases cited by the court in its favor are cases that do not apply, because of the fact that in several instances the parties were not the same while in others the measure of proof required in each case was entirely different. No such condition exists in this record. The statute of this State cited in the majority opinion has no effect or tendency to change the rule, and it does not change and was not intended to change it .... How often should the State be allowed to litigate over and over again some controlling fact in a case, as the majority of the court decides it may do in this case?[63]

He concluded, "We assert that the court ought not to overrule decisions of this court that are so firmly settled and there is no occasion for overruling them."[64]

Moreover, Duncan took the majority to task for finding that the unlawful conspiracy and the fraud charge were proved, when neither the Master in Chancery nor the Circuit Court made any such finding. He said:

> This court is not a court of original jurisdiction in bills for an accounting in equity, and it has no jurisdiction to absolutely settle such a matter of fact on review without first having before it a finding as to such fact by the master, approved by the court, or by the court under the evidence in the record. The question now is, Did the lower court find that the defendants were jointly liable because of the fact that they had entered into a conspiracy to defraud, and had defrauded, the State of money or funds to which it was legally entitled? and the answer should be no.[65]

Duncan pointed out that the State's counsel abandoned the actual charges made against the defendants for conspiracy both in the lower court and in the Supreme Court. Instead, following the lead of the Master in Chancery, they were using a new theory that the Grant Park Bank and the Curtises were Small's agents and the State was entitled to an accounting from its agents. However, Duncan said the State was not entitled to such recovery because they did not charge such a theory in the original bills.[66]

In the third critical ruling against Small, the court ruled in such a way that the State was entitled to all interest earned on the money placed in the "safe account" instead of just the amount of damages which the State actually suffered. The Court estimated the accounting to be more than $1 million. Again, Duncan objected. Duncan saw the amount as excessive

and punitive and therefore not allowed in equity. According to his calculations, the State was entitled to about three percent on the money, unless evidence showed that Small personally received more. Duncan examined the authorities cited by the Court and stated that, even by those judgments, the courts ruled that no more than actual damages sustained can be recovered in a court of equity.[67] After reviewing the tabulated transactions and disagreeing with the Court's calculations of interest already paid by Small, Duncan concluded that, if an itemized accounting had to be made for the auditor's report—even though it was his position that it did not have to be made—the most that the defendants were liable for was $483,046.42. That amount was the total profits realized by the Curtises after deducting their payment of interest of $247,000 to Small.[68]

After the December 16 decision was announced, Governor Small said with profound disappointment: "I know that a great mistake has been made by this decision. I know, and the evidence proves, that I paid into the State Treasury every dollar which I received while state treasurer as interest upon State funds."[69]

On February 8, 1926 the day before his rehearing was denied, the Democrats, meeting in their Chicago convention and adopting their platform, called for Small's impeachment for failure to pay the State money that he owed.[70] Later that spring, the Democrats called for Republicans to join with them in organizing the state legislature against the Republican

governor.[71] In the meantime, to head off any possible impeachment, to finance the campaign, and to help Small cover the judgment costs in interest case, Small's friends began raising money and pressuring state employees to contribute.[72]

In the final settlement worked out over a year later, on July 4, 1927, Small was able to hold on to some of his dignity but was also required to pay $650,000. The stipulation agreed to by the State said:

> It is further stipulated . . .that the evidence in this cause fails to establish that the defendant, Len Small, received any sum or sums of money whatsoever as interest upon public funds for or during his term of office as state treasurer, except such sums as he has already accounted for and paid into the state treasury of this state and that the liability of the said defendant, Len Small, in this cause is solely for interest received by the other defendants herein; and it is agreed that a finding to this effect be embodied in the report of the Master in Chancery and the decree of the court herein.[73]

Following the announcement, Small complained that he had acted in the best interests of the State, that he paid the State "more than $222,000.00 in interest money" and that he never did owe the state of Illinois one cent of interest. However, he added, when the stipulation became effective he would pay the judgment.[74] On July 13, 1927, Small drew a check for $650,000 on the Illinois Merchants Trust Company of Chicago and on July 15 he paid the State Treasurer. The Circuit Court of Sangamon County acknowledged the payment and directed the clerk to enter the order of satisfsaction when the payment was made.[75] Small spoke almost bitterly of the excessive decision which singled him out among all treasurers that

ever served and made him responsible for the profits that had been earned by one of the banks in which the money had been held. He also thanked the volunteer contributors and friends who eased the financial burden on him.[76]

That payment ended the six years of legal fighting that harrassed Small and complicated his efforts to run the State, showing that the trials of Len Small were not about legal justice; they were about political conflicts. Small was the only treasurer ever held accountable. The State dropped the suits against the others. However, the evidence tends to support Small's actions. He protected the State's money, avoided personal bankruptcy, and paid the State's bills. To accomplish this, he happened to use, among others, a private bank—not the only one ever used by the treasury—which was a legal form of banking in his time. Finally, he returned every dollar of the State's money plus more than two per cent interest.

However, Small failed to avoid the appearance of evil. It simply did not set well with the public, and it provided an opportunity for his enemies, that Small allowed one private bank in a country community of about 800 people to deal with millions of dollars of state money. The public also objected that the profit earned on those transactions—instead of being spread around to their communities—went into the pockets of one or two bankers who were also Small's personal friends. Moreover, bankers had always conducted their business quietly. Unfriendly newspapers easily sensationalized and distorted the complicated transactions to arouse the

suspicions of a generally uninformed public. Small paid $650,000 for this political mistake. He also lost political support and marred his personal and historical reputation. Nonetheless, Small followed virtually ever tradition established by his predecessors, and there was not a shred of evidence to prove that he ever personally profited from the transactions.

Small ran again unsuccessfully for governor in 1928, 1932, and 1936. He died unexpectedly from a blood clot following minor surgery shortly after he was defeated in the spring primaries of 1936. He was a hardworking farmer, a successful newspaperman, and a prosperous banker, who remained a machine politician in an era of bitter factional disputes. As such, he contributed to, and endured, one of the most difficult and controversial periods in Illinois politics.

END NOTES

[1]Chicago Tribune, 1 January 1922, 1,3.

[2]Dr. Charles Virden to Len Small, LS, 1 January 1922, Len Small Papers, Box 411, Folder 13, Illinois State Historical Library, Springfield.

[3]"Second Inauguaral Address," January 12, 1925, Len Small Papers, Box 423, Folder 5, Illinois State Historical Library, Springfield, 97.

[4]Chicago Tribune, 27, November 1921, 1; New York Times, 27 November 1921, Sec. 2, 1. Mitchell responded: "I turned over every cent of interest to the State and left a list of all interest collected on file when I turned the office to my successor. I turned over a larger rate, according to the daily balance, than many of my predecessors. My record is absolutely clear, and I have no fears for any investigation.

"Brundage is shooting into the air, trying to make himself governor, but he will lose many more friends than he will make and injure himself seriously politically." Chicago Tribune, 27 November 1921, 1. The bill of complaint for this is found in Abstract of Record, Supreme Court of Illinois, June Term, 1925, People v. Small, Curtis, Curtis, Curtis, No. 16660, n.p., n.d., Len Small Papers, Box 406, Illinois State Historical Library, Springfield, 1 : 1-16.

[5] Chicago Tribune, 27 November 1921, 1,2.. For the summons for Circuit Court of Sangamon County on first Monday in January 1922 to answer a bill in chancery see Len Small Papers, Box 403, Folder 14, Illinois State Historical Library. For copy of bill of complaint of November 26, 1921 see Abstract of Record, 1 : 1-16. For the bill of complaint against Small and others in Chancery for January 1922 term see Len Small Papers, Box 403, Folder 14, Illinois State Historical Library, Springfield.

[6]Chicago Tribune, 26 November 1921, 1.

[7]Chicago Tribune, 2 December 1921, 6; 4 December 1921, 1; New York Times, 2 December 1921, 14.

[8]Selma Schroeder and Werner Schroeder were known as Small's "foster children" though there was never any legal adoption. Chicago Tribune, 5 December 1921, 3.

[9]Chicago Tribune, 6 December 1921, 2.

[10]William H.Stuart, Twenty Incredible Years (Chicago: M. A. Donohue & Co., 1935), 149, 150.

[11]For the lack of a fair trial see Chicago Tribune, 7 December 1921, 3, New York Times, 6 December 1921, 13. For the attack on the Board of Supervisor's report see Chicago Tribune, 4 December 1921, 1; 6 December 1921, 2; 9 December 1921, 13; 15 December 1921, 9; New York Times, 9 December 1921, 5. In subsequent testimony Le Forgee showed that a date had been added to the official minutes adjourning the grand jury in September. Without the date the grand jury would have adjourned sine die and would have been ineligible to rule on Small's case. The State had to bring in two witnesses to clarify what happened. The typist supposedly changed the ribbon before typing in the date. For Mortimer's answer to the "green ink" mystery and for his justification for the special report of the grand jury see also Chicago Tribune, 16 December 1921, 5.

[12]"Memorandum Brief of the People on Motion to Quash," Len Small Papers, Box 403, Folder 15, Illinois State Historical Library, Springfield. For Le Forgee's argument on motion to quash see Chicago Tribune, 18 December 1921, Sec. 1, 6; New York Times, 18 December 1921,Sec. 2, 1. Chicago Tribune, 30 December 1921, 1, 2; New York Times, 30 December 9121, 1. "Memorandum Brief of People on Motion to Quash, December 1921" Len Small Papers, Box 403, Folder 15, Illinois State Historical Library, Springfield. For Small's prepared statement and Brundage's response see Chicago Tribune, 30 December 1921, 1.

[13]Chicago Tribune, 6 January 1922, 1; 15 January 1922, 1;New York Times, 6 January 1922, 27; 15 January 1922, 16. For the motion for separation of trials see Chicago Tribune, 17 January 1922, 7. For the illness Vernon Curtis's family, see Chicago Tribune, 20 January 1922, 9. For the ruling separating the cases, see New York Times, 29 January 1922, 19, 1 February 1922, 10; Chicago Tribune, 31 January 1922, 10; 1 February 1922, 2. For the March 6 trial date see Chicago Tribune, 5 February 1922, 1, 4. For preprations for trial on March 6 see New York Times, 5 March 1922, sec. 2, 1; Chicago Tribune, 5 March 1922, sec. 1, 10; 6 March 1922, 1. For the delay to work on road building program see Chicago Tribune, 7 March 1922, 1; New York Times, 7 March 1922, 18. For editorial on Small's delaying tactics see Chicago Tribune, 8 March 1922, 8.

[14]Chicago Tribune, 8 March 1922, 12; 11 March 1922, 4; 11 March 1922, 4.

[15]Chicago Tribune, 11 March 1922, 4.

[16]Chicago Tribune, 15 January 1922, sec. 1, 4; See the Tribune's review of the record, Chicago Tribune, 26 March 1922, 2

[17]For Small's savings see Mary Jean Houde and John Klasey, Of the People: A Popular History of Kankakee County (Chicago: The General Printing Co., 1968), 307, 321; "Small's Address to 52nd General Assembly on Roads," June 1921, Len Small Papers, Box 422, Folder 9, Illinois State Historical Library, Springfield. For the amount of work done in 1920 compared to other states, Illinois was third in the nation with 450 miles, see Chicago Tribune, 19 January 1922, sec 6, 5. For map of road building and an article on it see Louis L. Emmerson, ed., Blue Book of the State of Illinois, 1921-22 (Springfield: Illinois State Journal Co., 1921), 321-323; Chicago Tribune, 16 March 1922, 11; 17 March 1922, 13; 26 March 1922, 2. For Small's delaying of the program and favortism in distributing the appropriated emergency money see Chicago Tribune, 13 March 1922, 2; 14 March 1922, 8; 15 March 1922, 12; 14 March 1922, 8; 15 March 1922, 12; 1 April 1922, 8. For the Tribune's attack on Small see Chicago Tribune, 22 March 1922, 8; 23 March 1922, 8; 24 March 1922, 8; 26 March 1922, 1; 27 March 1922, 1; 1 April 1922, 2. On April 1, 1922. For Edward Brundage's speech against Small Chicago Tribune, 1 April 1922, 2. "Pana 1 Speech," Len Small Papers, Box 11, Folder 2, Illinois State Historical Library, Springfield. Chicago Tribune, 2 March 1922, 11. For the impeachment charge see Chicago Tribune, 2 March 1922, 11; 22 March 1922, 8; 1 April 1922, 8.

[18]The school board scandals were drawn out, damaging to Thompson's credibility, and some say the cause of a split between Thompson and Lundin. Chicago Tribune, 19 February 1922, sec. 1, 3; 9 May 1922, 1; Loyd Wendt and Herman Kogan, Big Bill of Chicago (Indianapolis: Bobbs-Merrill Co., Inc., 1953), 201-202. After a conference in West Baden among the factional leaders, Lundin was removed from control over the organization. George F. Harding came to Thompson and served notice that he was out unless Lundin and Virtus Rohm were removed. Thompson was forced to choose and picked Harding. See Chicago Tribune, 26 February 1922, 2; 18 April 1922, 1. For bank records problem see Chicago Tribune, 2 March 1922, 3; 16 March 1922, 13; 18 March 1922, 4; 7 April 1922, 1. For Searcy's claim that there was little savings see 4 March 1922, 1; 5 March 1922, sec 1,7. For Thompson's libel suit against Oglesby see Chicago Tribune, 5 March 1922, sec. 1, 10. The libel suit by Thompson against the Tribune was reported during the same time as the criminal trial against Small. When two jurors became ill, the trial was stopped and never resumed. The suit was an amalgamation of three suits Thompson brought for the way that the Tribune reported his war record and attacked his patriotism. See Wendt and Kogan, Big Bill, 203; Chicago Tribune, 9 May 1922, 7; 13 May 1922, 15; 14 May 1922, 5; 15 May 1922, 7; 8 June 1922, 1; 17 June 1922, 7. For the Tribune's suit against Thompson and others see, Chicago Tribune, 18 March 1922, sec. 2, 1. For the scandal involving

William Henry Harrison Miller, see Chicago Tribune, 19 March 1922, 1; 7 April 1922, 2; 18 May 1922, 10; 28 May 1922, 4;

[19]Chicago Tribune, 1 April 1922, 2.

[20]New York Times, 12 April 1922, 3; Donald Fred Tingley, The Structuring of a State: The History of Illinois, 1899-1928 (Urbana: University of Illinois Press, 1980), 374; Chicago Tribune, 12 April 1922, 1, 8; 13 April 1922, 1; 18 April 1922, 1; 21 April 1922, 1; 22 April 1922, 4.

[21]Illinois, General Assembly, "An Act to Provide for the Deposit of State Moneys by the State Treasurer and for the Payment of Interest on Same, and to Make an Appropriation for the Cost of the State Treasurer's Official Bond and Bond or Bonds of the Employees of his Office," Laws of the State of Illinois, Forty-Fifth General Assembly, Adj. Sess., March 7, 1908 (Springfield: Phillips Brothers, 1908), 32. The treasurers reported the following figures:

	Receipts	Disbursements
1908 to 1910	$21,611,919.46	$21,046,572.46
1910 to 1912	$26,957,187.79	$25,882,587.93
1912 to 1914	$39,708,784.81	$32,952,862.68
1914 to 1916	$40,485,039.13	$44,944,340,93
1916 to 1918	$62,010,404.36	$48,810,694.61
1918 to 1920	$60,883,287.77	$54,341,561.83

Biennial Report of the State Treasurer to the Governor of Illinois, November 1, 1910 (Springfield: Illinois State Journal Co., 1910), 5-6; Biennial Report of the State Treasurer to the Governor of Illinois, November 1, 1912 (Springfield: Illinois State Journal Co., 1912), 7-8; Biennial Report of the State Treasurer to the Governor of Illinois, November 1, 1914 (Springfield: Illinois State Journal Co., 1914), 6; Biennial Report of the State Treasurer to the Governor of Illinois, November 1, 1916 (Springfield: Illinois State Journal Co., 1916), 6; Biennial Report of the State Treasurer to the Governor of Illinois, November 1, 1918 (Springfield: Illinois State Journal Co., 1918), 6; Biennial Report of the State Treasurer to the Governor of Illinois, August 1, 1920 (Springfield: Illinois State Journal Co., 1920), 6.

[22]Abstract of Record, 2 : 569-572. See Alexander Beaubien's closing argument for other bank failures of which the Union State Bank of Dixon's loss of $15,000 cost Sterling nearly all of his salary. Chicago Tribune, 23 June 1922, 4.

[23]Small testified that when he took office he had about $4 million in all funds and when he left he had about $19.5 million. His official treasurer's report showed the figures at $7 million and $20.9 million. Abstract of Record, 2 : 577; Biennial Report of the State Treasurer to the

Governor of Illinois, November 1, 1918 (Springfield: Illinois State Journal Co., 1918), 6.For dissenting Justice Heard's view of the money situation see People v. Small, 319 Ill. Rept. 437 (Ill. Sup. Ct., 1926), 571.

[24]Small talked to former Treasurer Andrew Russel and Dunlap, his partner, in the private bank Dunlap, Russel and Company in Jacksonville. They agreed to take a $3 million deposit if it would stay for the full term of office. Abstract of Record, 2 : 575.

[25]In his opening statement to the court, Le Forgee explained why the big banks of Chicago would not take large deposits from the State: ". . . any bank that took a deposit from the Treasurer of the state of Illinois for a million or two millions, or three millions, took that upon the condition that tomorrow morning at nine o'clock, or the next day at ten, the Treasurer of the state of Illinois might come into that bank and rap on the desk and say, 'I want my money. Some appropriations have got to be taken care of, give me the money.' And the bankers said, 'No, no.' Some of them said, 'We would rather not have your deposit and meet these conditions that are incident with the debt." Charles Chambers Le Forgee, Opening Address to the Jury in the Small Trial at Waukegan, Friday, May 12, 1922, Vertical file: Small, Gov. & Family, Kankakee County Historical Society Museum, Kankakee. Also found in Len Small Papers. Box 403, Folder 3, Illiniois State Historical Library. Springfield; see also Abstract of Record, 2 : 569-571.

[26]Ibid., 572-574.

[27]Le Forgee, Opening Address.

[28]"Testimony of Len Small," Abstract of Record, 2 : 575.

[29]Abstract of Record, 2 : 575, 610-613. For the creation of the "safe fund" see "Testimony of Harry Luehrs," Len Small Papers, Box. 403, Folder 18, Illinois State Historical Library, Springfield; Abstract of Record, 1 : 247-260.

[30]Of this practice Small said: "It is 54 miles from Chicago to Kankakee by rail. When I received collateral from Edward C. Curtis, I generally received it in Chicago and took the train leaving Chicago about 1 o'clock and reaching Kankakee about 2:30. That gave me time to reach the bank and this vault before it closed. It took an hour and a half or 45 minutes on the train." Abstract of Record, 2 : 576.

[31]Abstract of Record, 2 : 610-613. There is a large foldout of information on the packer's notes in Len Small Papers, Box 416, Folder 6, Illinois State Historical Library, Springfield. Also see the analysis of these transactions by the Supreme Court, People v. Small, 319 Ill. Rept. 437 (Ill. Sup. Ct., 1926), 456-457, 525-526.

[32]Abstract of Record, 2 : 577-578; Luehrs placed the interest payment of September 30, 1918 at $306,424.33 and the last payment on April 23, 1920 for $143,585.79. "Testimony of Harry Luehrs," Box 403, Folder 18.

[33]Chicago Tribune, 17 May 1922, 1; "Testimony of Harry Luehrs," Box 403, Folder 18. Luehrs said that the amount for both treasurers was about $700,000 which represented the same rate of interest paid by other banks through the "vault fund." Abstract of Record, 1 : 278-80; New York Times, 17 May 1922, 22; Chicago Tribune, 17 May 1922, 1; the State admitted the 2 % figure but said that the State was entitled to the full interest earned on the "packer notes." Chicago Tribune, 20 May 1922, 3. Interest paid by the treasurers:

Smulski 1907-08	$169,514.97
Russel, 1909-10	$90,306.42
Mitchell, 1911-12	$166,221.93
Ryan, 1913-14	$180,953.92
Russel, 1915-16	$142,883.39
Small, 1917-18	$450,010.12
Sterling, 1919-20	$996,121.85

Len Small Papers, Box 404, Illinois State Historical Library, Springfield.

[34]Chicago Tribune, 24 May 1922, 4. The notes were discounted to E. C. Curtis. He turned the security over to Small, keeping the discount check for the interest. For an account of the first note see People v. Small, 319 Ill. Rept. 437 (Ill. Sup. Ct., 1926), 450; Chicago Tribune, 19 May 1922, 3; 20 May 1922, 3; 24 May 1922, 4; New York Times, 19 May 1922, 20; 20 May 1922, 8.

[35]The bill of complaint in the chancery court shows the conspiracy charge as well. Len Small Papers, Box 403, Folder 14, Illinois State Historical Library, Springfield; See also "Memorandum Brief of People on Motion to Quash," December 1921, Len Small Papers, Box 403, Folder 15, Illinois State Historical Library, Springfield. See C. F. Mortimer's opening statement, Chicago Tribune, 12 May 1922, 5; New York Times, 12 May 1922, 21; People v. Small, 319 Ill. Rept. 437 (Ill. Sup. Ct., 1926), 467-468. For a detailed discussion of some of the notes in dispute see the dissenting opinion of Judge Warren Duncan People v. Small, 319 Ill. Rept. 437 (Ill. Sup. Ct., 1926), 531-551. For Duncan's answer that Small did not use the $60,000 Armour note to buy stock see Ibid., 539-540.

[36]Mortimer said that the bank had existed for a time but expired in 1908. When Small and Curtis revived it in 1917, it was only "a dummy, a fiction, a vest-pocket bank." Chicago Tribune, 12 May 1922, 5. The majority of the State Supreme Court ruled that it was not a bank, but the dissent of Justice Heard tends very strongly to show that it was.

[37]"Testimony of Marshall Jackson regarding the ordering of bank supplies," Len Small Papers, Box 403, Folder 18, Illinois State Historical Library, Springfield, 41, cited as 2803-2824 in original; See reference to testimony of bank employees of the Fort Dearborn National Bank, Chicago Tribune, 24 May 1922, 4; 26 May 1922, 7; 6 June 1922, 2; 8 June 1922, 3; Testimony of Norman Griffin, cashier of the Grant Park Trust and Savings Bank, and son-in-law to defendant Vernon Curtis said that the Grant Park Bank was not recognized as a banking institution in the reports he made for his own bank to the state auditor from 1917 to 1920. Chicago Tribune, 16 June 1922, 11.

[38]"Testimony of Harry C. Luehrs," Box 403, Folder 18; Also Abstract of Record, 1 : 281-282. For a list of other private banks see "Testimony of Harry Luehrs on Cross Examination," Len Small Papers, Box 403, Folder 18, Illinois State Historical Library, Springfield.

[39]Le Forgee, Opening Address. The items listed by Le Forgee are: it had a name; a place of business; it issued certificates of deposit; it had officers; it received deposits; it transacted business with other banks; its checks and drafts were honored and paid in due course; it loaned money; it collected interest and discount on notes; it carried commercial paper.

[40]People v. Small, 319 Ill. Rept. 437 (Ill. Sup. Ct., 1926), 452-453. Justice Oscar E. Heard, dissenting from the majority opinion, stated: ". . . . Prior to January 1, 1921, any person, . . .could without notice to any person, and without a permit or character from the State or United States, become a bank solely by the exercising of banking powers. A private bank might or might not be a bank doing a general banking business. It did not need a habitat, and many private banks had none, and their business was conducted on the streets, in private homes or wherever the proprietor happened to be. . . .Whenever. . . .the question arose as to the existence of a private bank, the only question to be determined was, Were the powers of a bank exercised? The location of the bank, the number of its clientele or the noitoriety of its existence was not a factor to be considered." Ibid., 573.

[41]Ibid., 573-575.

[42]Chicago Tribune, 18 May 1922, 21; 19 May 1922, 3; 20 May 1922, 3; 24 May 1922, 4; 25 May 1922, 7; 26 May 1922, 7; 30 May 1922, 21; New York Times, 19 May 1922, 20; 20 May 1922, 8; 25 May 1922, 7.

[43]The State tried with little success to show that he had used some of the interest money to purchase stock in and brought in evidence regarding the purchase of stock in the Whiteside County bonds and shares in the reorganized Ridgely-Farmers' Bank in Springfield. Chicago Tribune, 30 May 1922, 21; 1 June 1922, 13; 3 June 1922, sec 2, 17. See also Small's testimony explaining some of these transactions. Abstract of Record, 2 : 578-590. People v. Small, 319 Ill. Rept. 437 (Ill. Sup. Ct., 1926), 467, 539-540.

[44]People v. Small, 319 Ill. Rept. 437 (Ill. Sup. Ct., 1926), 539-540.

[45]Chicago Tribune, 22 June 1922, 5.

[46]Chicago Tribune, 23 June 1922, 4; 24 June 1922, 1,8. Le Forgee said of Curtis: Since he died, "no man has ever challenged his honor as disclosed by the evidence in this case: but he is called a traitor, a war profiteer, a conspirator. As part of justice in this case I would rather hand back to his family that name untarnished, unsullied, than most anything I can conceive of."

[47]Chicago Tribune, 25 June 1922, 1.

[48]Chicago Tribune, 25 June 1922, 2. See also another version of this statement in Len Small Papers, Box 407, Folder 7, Illinois State Historical Library, Springfield. "Justice still rules in Illinois. My traducers, today, confessed before the majesty of the law, in open court, that every charge which they have uttered against me was untrue and based on lies and slander. These charges were instigated solely for the purpose of intimidating and punishing me because I, as governor, have performed my duties and used my power in the interests of the people and have thereby stood in the way of the unscrupulous interests that prey upon the people . . . ."

[49]Chicago Tribune, 26 June 1922, 1; 27 June 1922, 3; New York Times, 27 June 1922, 8; 27 June 1922, 8.

[50]Abstract of Record, Supreme Court of Illinois, June Term, 1925. People v. Small, Curtis, Curtis, Curtis, No. 16660, n.p., n.d., vol. 1, Len Small Papers, Box 406, Illinois State Historical Library, Springfield. Volume one contains the chronology for these stages and the legal arguments attending them.

[51]Tingley, The Structuring of a State, 371-372; Wendt and Kogan, Big Bill, 204-205; Edward F. Dunne, Illinois: The Heart of the Nation (Chicago: Lewis Publishing Co., 1933), 2 : 404-10; Chicago Tribune, 3 April 1923, 3; 4 April 1923, 14; 6 April 1923, 17; 7 April 1923, 1; 8 April 1923, 5; 13

April 1923, 9; 4 May 1923, 16; New York Times, 3 April 1923, 25.

[52]Tingley, The Structuring of a State, 371-372.

[53]For Boyle's refusal to testify see Chicago Tribune, 6 May 1923, sec 1, 2. For surrender of Newmark see 15 May 1923, 5; 16 May 1923, 1. For sentencing of Ben Newmark see New York Times, 5 June 1923, 22; Chicago Tribune, 27 May 1923, 1. For Small's pardon see New York Times, 23 October 1923, 29; "Statement Regarding Michael Boyle and Benjamin J. Newmark," Len Small Papers, 22 October 1923, Box 407, Folder 5, Illinois State Historical Library, Springfield. For affidavits of all jurors see, Len Small Papers, Box 403, Folder 16. For affidavits of Benjamin Newmark and Michael Boyle see Len Small Papers, Box 407, Folder 5, 15 October 1923, Illinois State Historical Library, Springfield. . For a particularly vicious editorial against Small right after the indictment for jury tampering was announced see Chicago Tribune, 5 April 1923, 8.

[54]Robert A. Waller, "Norman L. Jones versus Len Small in the Illinois Gubernatorial Campaign of 1924," Journal of the Illinois State Historical Society 72, no. 3 (August 1979): 162-178.

[55]People v. Small, 319 Ill. Rept. 437 (Ill. Sup. Ct., 1926), 440.

[56]For Duncan's dissent see Ibid., 482-557. For Heard's dissent see Ibid., 557-595.

[57]People v. Small, 319 Ill. Rept. 437 (Ill. Sup. Ct., 1926), 448; Dunne, Illinois, 2 : 406-407.

[58]Ibid., 490-491.

[59]Ibid., 491-499.

[60]Ibid., 504.

[61]Duncan said: "These packers' notes or securities were what is known in the record as 'liquid securities' of a very high grade, readily salable on the market at any time. There is no question as to the desirable character of these securities. To put it in the language of State witnesses who testified concerning the same, they were 'gilt-edged' securities. So highly were these securities valued, it is stated by one witness that if the packers should go broke all the banks in Chicago would go broke, because of their large investments therein." Ibid., 497; see "Testimony of Harry C. Luehrs," Box 406, 1 : 284. Luehrs said: "That paper [notes from Armour, Swift, Cudahy, and Morris packing companies] was regarded as good

collateral. The notes of those concerns were recognized in the commercial world as first class gilt edge collateral, habitually accepted by banks everywhere as good collateral. If that character of collateral had been presented during the term of defendant Small or that of his predecessor or successor, it would have been accepted."

[62]People v. Small, 319 Ill. Rept. 437 (Ill. Sup. Ct., 1926), 446.

[63]Ibid., 515.

[64]Ibid., 516.

[65]Ibid., 516.

[66]Ibid., 517-518.

[67]Ibid., 523-524.

[68]Ibid., 518-524, 543-556; see also New York Times, 17 December 1925, 3.

[69]New York Times, 17 December 1925, 3; See also Len Small Papers, Box 404, Folder 10, Illinois State Historical Library. For his appeal for a rehearing on January 9, 1926 see Chicago Tribune, 3 January 1926, 2; 10 January 1926, 1; New York Times, 3 January 1926, 6; 10 January 1926, 3.

[70]Chicago Tribune, 8 February 1926, 1; see also, 14 January 1926, 2. For Small's attorneys rebuttal on this movement see "Statement of Edwin W. Sims," Len Small Papers, Box 404, Folder 10, Illinois State Historical Library, Springfield.

[71]New York Times, 24 April 1926, 1.

[72]Chicago Tribune, 13 January 1926, 3, describes the luncheon of over 200 supporters in Chicago attended by Fred Lundin to plan the building of a war chest; See also Ibid., 8 February 1926; Carroll Hill Wooddy, The Case of Frank L. Smith: A Study in Representative Government (Chicago: University of Chicago Press, 1931; reprinted as Politics and People: The Ordeal of Self-Government in America. New York: Arno Press, 1974), note 10, 164. For evidence that Small's people were assessing employees with political jobs to obtain money during this time see "John T. Robinson to Cornelieus R. Miller, LS, 11 January 1926," Len Small Papers, Box 419, Folder 9, Illinois State Historical Library, Springfield; "Lists and Letters from State Employees," Len Small Papers, Box 416, Folder 11, State Historical Library, Springfield; "What the Court

Said in the Len Small Interest Case," n.p., n.d., Vertical File: Small, Governor and Family, Kankakee County Historical Society Museum, Kankakee, states that Small also mortgaged his property. For other evidence of collection, see the subscription list of about 8 pages and about 25 names on each subscribing various amounts from .25 to $1.00 with one listed as $25,000. "Subscription List,"n.d., Len Small Papers, Box 407, Folder 10, Illinois State Historical Library, Springfield, see also Robert P. Howard, Illinois: A History of the Prairie State Grand Rapids, Michigan: William B. Eerdman's Publishing Co., 1972), 467.

[73]Dunne, Illinois, 2 : 409-410; Houde and Klasey. Of the People, 320; See also "What the Court Said in the Len Small Interest Case," n.p., n.d., Vertical File: Small Governor and Family, Kankakee County Historical Society Museum, Kankakee.

[74]"Small's Statement Regarding the Stipulated Settlement," NS, n.d. [4 June 1927], Box 403, Folder 9, Illinois State Historical Library, Springfield; New York Times, 5 June 1927, 23.

[75]Chicago Tribune, 16 July 1927, 1. For the certification ticket from the Illinois Merchants Trust Company see "Certification of Deposit for Len Small for $650,000," Len Small Papers, Box 407, Folder 3, Illinois State Historical Library, Springfield. For the actual engraved printing block showing the check see Len Small Papers, Box 407, Folder 4, Illinois State Historical Library, Springfield. For the statement released and a picture of the check see "Coles County Ledger (Oakland, Il)," July 22, 1927, Len Small Papers, Box 407, Folder 3, Illinois State Historical Library, Springfield.

[76]"Coles County Ledger (Oakland, Il)," July 22, 1927, Len Small Papers, Box 407, Folder 3, Illinois State Historical Library, Springfield; There does not seem to be a precise figure showing contributions to Small. However, the seven-page broadside issued after the trial by Small's friends said that "His thousands of friends came to his rescue. Forty thousand of them sent him $1.00 each. The balance of the contributions ranged as high as $2,000.00 each, that I personally know of. The balance, he borrowed by mortgaging his property. "What the Court Said in the Len Small Interest Case," n.p., n.d., Vertical File: Small, Governor and Family, Kankakee County Historical Society Museum, Kankakee, 7.

CONCLUSIONS

Len Small was governor of Illinois from 1921 to 1929. For most of that administration, from 1921 until 1927, Small had to contend with two trials challenging the legality of his conduct during his term as state treasurer from 1917 to 1919. Those two trials questioned Small's personal reputation for honesty, undermined his ability to act as governor, and contributed to the generally poor image which the abuses of boss politics had already given to his era.

By most standards, in most areas of his life, Small earned the admiration of others. A hardworking, enterprising man, he knew something about earning one's bread by the sweat of one's brow, and he demonstrated an ability to organize and promote successful businesses. As a farmer, he specialized in several areas of production, including the raising of several registered breeds of animals. He was a real estate developer. He organized one of the most outstanding agricultural fairs in the state and was personally responsible for making it a financial success. He established a successful banking firm and started a newspaper in Kankakee which his descendants still publish today. He was elected to offices in the agricultural societies, in the banking business, and in politics. In all of his business dealings there is not a suggestion that he acted improperly, illegally, or immorally. The evidence indicates that he was a

devoted family man. He was a pillar of the Kankakee community and he would have been in almost any community.

The tarnish on Small's reputation comes entirely from his connection to boss politics. Small was a practical politician who accepted the realities of bossism. In his era boss politicians, especially those in the Lorimer machine, controlled the gates to public office. Although it is not demonstrated here, there is ample evidence to show that Small wanted to win public office and that he engaged in the disagreeable practices of rewarding the faithful and punishing the ungrateful. Also not shown here are his laudable achievements as governor including the construction of more than 7,000 miles of hard road and improvements on the Lakes-to-Gulf waterway; the building of Starved Rock State Park, Lincoln's New Salem State Park, White Pine Forest in Ogle County, and Giant City Park in Union and Jackson Counties; the acquisition of Cahokia Mounds, the Metamora Courthouse, and the Pierre Menard Home; and the handling of a brutal coal miners' strike.[1]

Small was in Illinois politics during a transition time when bossism had made adjustments to the social problems spawned by industrialism and when reformers and Progressives were trying to

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[1]Len Small, Illinois: Progress 1921-1928 (Springfield: Schnepps & Barnes, 1928), 5, 6, 108,145-153, 260, 269-277; Donald Fred Tingley, The Structuring of a State: The History of Illinois, 1899-1928 (Urbana: University of Illinois Press, 1980), 374; Edward F. Dunne, Illinois: The Heart of the Nation (Chicago: The Lewis Publishing Company, 1933), 2 : 411-420.

eliminate some of the worst abuses of bossism. The Republican party was also divided by bitter factions that went to excessive lengths to punish each other. Small's factional rivals used the trials to inflict political punishment on Small and his associates. The indictment, arrest, and trial of a standing governor provided a variety of opportunities to publicly humiliate the Governor, even if the legal issues could not be proven.

In the criminal conspiracy trial of 1921-1922, Small was acquitted; but in civil suit which ran from 1921 through 1927, the Court rendered a flawed decision which appeared to contradict and reverse the earlier acquittal, forcing Small to pay the State a large settlement. The evidence given during the trials shows that Small acted reasonably and prudently in carrying out his obligations to the State. Unfortunately, the complicated transactions and the large amounts of money involved provided just enough material for a determined prosecutor to present a plausible case to the public. Where the purposes were political rather than legal, plausibility was enough.

The trials were a dramatic dimension of the factional conflict that split the Republican party, unfairly marring Small's personal reputation and marking this era as one of the worst in the political history of the state. To the extent that the trials contributed to, or were a dominant portion of, Small's reputation, both he and his administration have been misrepresented.

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